

No. 97-6749-CFH Title: Lorenzo Arteaga, Petitioner
v.
United States Court of Appeals for the Ninth Circuit
and
Docketed: Lorenzo Arteaga, Petitioner
November 14, 1997 v.
Pete Wilson, Governor of California, et al.
Court: United States Court of Appeals for
the Ninth Circuit

Entry	Date	Proceedings and Orders
Aug 25 1997		Petition for writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due December 14, 1997)
Aug 25 1997		Motion of petitioner for leave to proceed in forma pauperis filed.
Dec 3 1997		Supplemental brief of petitioner Lorenzo Arteaga filed.
Dec 19 1997		Reply brief of petitioner filed.
Dec 31 1997		DISTRIBUTED. January 16, 1998
Jan 20 1998		REDISTRIBUTED. January 23, 1998
Feb 17 1998		REDISTRIBUTED. February 20, 1998
Feb 23 1998		Motion of petitioner for leave to proceed in forma pauperis DENIED. Dissenting opinion by Justice Stevens. (Detached opinion.)

EDITOR'S NOTE

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No.

97-6749

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ORIGINAL

RELATED: 96-9513, 96-9113, 96-9329, 96-9309,
96-8700, 96-9328

97-5677, 96-9196

96-9197

96-8141

96-8146

96-8288

96-8289

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

IN RE:
LORENZO ARTEAGA

-PETITIONER

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SUPREME COURT, U.S.~~

VS.

PETE WILSON, DANIEL E. LUNDREN,
CALIFORNIA, et seq., et al. - RESPONDENT(S)

PETITION FOR A WRIT OF HABEAS CORPUS
ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court, U.S.

FILED

AUG 25 1997

OFFICE OF THE CLERK

USCA9, USDC E CA, USDC N CA, et al..

PETITION FOR WRIT OF CERTIORARI

LORENZO ARTEAGA

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SUPREME COURT, U.S.~~

17 PR

QUESTION(S) PRESENTED

97-6749
Arteaga
U.S.C.H.9

WHAT REMEDY WILL AID IN THIS COURT'S APPELLATE JURISDICTION

WHERE AGGREGATE UNCONSTITUTIONAL STATE PROSECUTIONS AND "CONVICTIONS"

GARLOTTE v. FORDICE 115 SC 1948, 115 LEd2d 876, 878 (1995) WERE REINSTATED

MORE THAN TEN YEARS LATER WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION AFTER THEY HAD BEEN ADJUDICATED ON THE MERITS WITH PREJUDICE IN BOTH STATE AND FEDERAL COURTS IN USDC N CA NOS. C90-20326RFP, C90-20257RFP, C91-594RFP, C91-583RFP, C91-2524RFP, C91-2534RFP BUT WHEN THE SENIOR U.S. DISTRICT COURT NORTHERN CALIFORNIA JUDGE HON. ROBERT F. PECKHAM DECEASED C. FEBRUARY 1993 AND RESPONDENT SUPERIOR COURT OF SANTA CLARA COUNTY ELEVATED ANOTHER ONE OF THEIR COLLEAGUES TO THE USDC N CA SO THAT HE PROCEEDED TO "REMAND" THE UNCONSTITUTIONAL VINDICTIVELY REINSTATED STATE PROSECUTION BACK TO HIS COLLEAGUES IN RESPONDENT SUPERIOR COURT IN PROCEDURALLY OBSTRUCTED USDC N CA DOCKET NO. C93-20134RMW BY ABUSING HIS NEW-FOUND AUTHORITY AND PURPORTING TO "REVERSE" THE RES JUDICATA JUDGMENTS OF THE NOW-DECEASED HON. PECKHAM AND THE USDC N CA AS WELL AS THE USCA9 HAVE SANCTIONED EXTREME ACTS AND CONTINUOUS COURSE AND CONDUCT CRIMES OF ATTEMPTED MURDER, AGGRAVATED ASSAULTS, AGGRAVATED BATTERY, STABBINGS, SHOOTINGS, SPOLIUM, SPOLIATION UNDER COLOR OF AUTHORITY IN ORDER TO COVER-UP THE CONSPIRACY AND UNCONSTITUTIONAL ILLEGAL INITIAL ARRESTS, PROSECUTIONS AND EXTRA-JURISDICTIONAL REMAND ORDER FILED APRIL 1, 1993 IN BOTH THE USDC N CA AND IN THE STATE RESPONDENT SUPERIOR COURT NISI PRIUS RECORD ON DIRECT APPEAL TO THE CALIFORNIA COURT OF APPEAL NO. 6 (CAAD6), USDC N CA No. C93-20134RMW, CAAD6 NOS. H012729, H007751, H005397, H006074, H005398, H007583, H010095, H010022, H005774, H009739, et al. SUPERIOR COURT NOS. 161-396, 138120, 125303, 505627, 98982, J098982, H015777, 5045783, 5057852, U.S. SCT 96-9196, 96-9197, DETAILED IN UNITED STATES SUPREME COURT DOCKET NOS.: 96-9513, 96-9113, 96-8700, 96-9329, 96-9309, 96-9328, 96-9196, 96-9197, 96-8288, 96-8141, 96-8146, 96-8289, 94-9212, 95-9260, 96-6804, 95-7417, 95-80113, et al. SO THAT THE USDC N CA HAD AND HAS NO JURISDICTION TO REVIEW OR TAMPER WITH THE RES JUDICATA JUDGMENTS AT ISSUE SINCE 1982, 1984, 1988, 1990, 1992 AND THE USDC N CA HAS SKIRTED THE ISSUE REGARDING LACK OF JURISDICTION BY DENYING INJUNCTIVE RELIEF, DECLARATORY RELIEF AND HABEAS CORPUS PETITIONS IF ALLOWED, CONDONED, DIRECTED OR AUTHORIZED TO BE PROCEDURALLY PREJUDICED AND OBSTRUCTED IN USDC N CA DOCKET NOS. C96-20026RMW, C96-20935RMW, C96-20969RMW, C96-20877RMW, C93-20134RMW — BEGINNING WITH C93-20134RMW, et al. BASED UPON THE LATEST USCA9 ORDERS ENTERED IN THE UNCONSTITUTIONAL MISREPRESENTATION AND CORRUPTION AND DISTORTION OF THE PROCESS OF LAW ORDER STYLED "PRE-FILING REVIEW ORDER" USCA9 NO. 95-80113 FILED MAY 5, 1995 AND IMMEDIATELY FORWARDED TO THE USDC E CA AT SACRAMENTO WHERE THE SAME USCA9 ORDER WAS RE-FILED ON MAY 8, 1995 IN THE DISTRICT WHERE PETITIONER WAS HELD EFFECTIVELY SUSPENDING THE WRIT OF HABEAS CORPUS AND INITIAL CIVIL RIGHTS ACTIONS IN USDC E CA DOCKET NOS. 91-CV-552, 92-CV-027, CV-91-552, CV-92-27 WHICH HAD BEEN FILED AND PENDING BEFORE PETITIONER WAS AGAIN VINDICTIVELY RE-PROSECUTED WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION BY THE USDC N CA REMAND ORDER NO. C93-20134RMW WHICH UNCONSTITUTIONAL ORDERS HAVE EVADED REVIEW TO THE PRESENT TIME DOES RULE 10, 11, OR 20.4(a) RULES OF THE SUPREME COURT GOVERN PETITIONER'S "PETITION TO LIFT THE PRE-FILING REVIEW ORDER" AND HOW CAN PETITIONER LIFT SAID UNCONSTITUTIONAL ORDER WHICH HAS IRREPARABLY PRE-JUDICED PAST, PRESENT AND PENDING LITIGATION AND DIRECT APPEAL * AND HABEAS CORPUS ACTIONS IN BOTH STATE AND FEDERAL COURTS IN VIOLATION OF PUBLIC LAW 100-352, §7, 102 STAT 662 (1988) AND OF THE LIBERTY INTERESTS AND BLACK LETTER LAW LEGISLATIVE INTENT EMBODIED IN CALIFORNIA PENAL CODE SECTIONS 805.5(c)(2), 3, 800-805, IN VIOLATION OF DUE PROCESS AND EQUAL PROTECTION OF THE LAW AND REPUGNANT TO THE LAWS AND CONSTITUTION OF THE UNITED STATES AS EVIDENCED BY PENDING RELATED PETITIONS ON DIRECT APPEAL FROM STATE AND FEDERAL COURT NOS. 96-9513, 96-9113, 96-8700, 96-9329, 96-9309, 96-9328, 96-9196, 96-9197, 96-8141, 96-8146, 96-8288, 96-8289, USCA9 NO. 95-80113, NOS. 96-16222, 96-16223, 95-15075, 95-15076, 95-15723, 95-15724, 92-15341, 95-15411, 94-80445, 91-80185, 91-16572, et al. ?

DUE TO SUCH ABUSE OF AUTHORITY, LACK OF JURISDICTION, UNCONSTITUTIONAL SUSPENDING OF THE WRIT OF HABEAS CORPUS IN SPECIFIC VIOLATION OF ART. I, §9, CLAUSE 2, CLAUSE 3, ART. I, §10, ART. III, ART. IV, §2, ART. VI, §2 CAUSED BY USCA9 DOCKET NO. 95-80113 AND NO REMEDY PROVIDED SINCE MARCH 1994 AS EVIDENCED IN USCA9 DOCKET NOS. 96-16222, 96-16223 RE-NUMBERED OUT OF USCA9 NOS. 95-15075, 95-15076, 94-80445, 95-15723, 95-15724 OBSTRUCTED DIRECT APPEAL PROCEEDINGS, AND CONTINUING DELIBERATE UNCONSTITUTIONAL OBSTRUCTION AND TOTAL UNAVAILABILITY OF ANY REMEDY SINCE 1982, AND EVIDENTLY EXCEPTIONAL CIRCUMSTANCES LAST EVIDENCED IN USCA9 DOCKETS NOS. 95-80113 AND 96-16222, 96-16223 IS IT ANY WONDER WHY ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT?

* IN VIOLATION OF PETITIONER'S STATUTORY AND FEDERAL CONSTITUTIONAL RIGHT TO SELF-REPRESENTATION GUARANTEED BY 28 USC §1644. ALSO 1ST AND 14TH AMENDMENTS, U.S. CONST. 2nd MI.

LIST OF PARTIES

ALL PARTIES DO NOT APPEAR ON THE COVER PAGE. A LIST OF PARTIES INCLUDES:

DANIEL E. LUNGEN
PETE WILSON
JAMES ROWLAND
THOMAS MADDOCK
LEWIS JONES
GARY LINDSEY
DON HILL
CHARLES MARSHALL
R. L. SNIDER
R. BEEKMAN
F. VASQUEZ
ERNIE CALDERON
JAMES GOMEZ
KAREN L. HUFFMAN
JOSEPH BASSO
G. E. HARRIS
P. TINGEY
P. H. CARRILLO
DOE CHESTERMAN
DOE GAGNON
CHRISTOPHER C. COTTLE
J. DOE AGUANO
J. DOE ELIAS
J. DOE PANELLI
J. DOE PREMO
J. DOE MANOUKIAN
J. DOE WUNDERLICH
J. WARE
RONALD M. WHYTE

AND DOES 1-100, INCLUSIVE
et seq., et al.

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1996

PETITION FOR A WRIT OF HABEAS CORPUS
ON PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of habeas corpus and/or certiorari issue to review the judgment(s) below. GVR. and release petitioner from VINDICTIVE, DOUBLE JEOPARDY, EX POST FACTO constitutionally deficient VOID VERDICTS and EXTRA-JURISDICTIONAL judgments entered AFTER ACQUITTAL which are not even based upon any specific legislatively defined jurisdictional penal statute, in violation of the Laws and Constitution of the United States.

OPINIONS BELOW

For cases from federal courts: The opinion of the United States Court of Appeals appears at APPENDIX "A" No. 95-80113 FILED 8-28-97

"B" is 8-1-97 DENYING PETITION FOR WRIT OF HABEAS CORPUS. THE ORIGINAL COURT COPY WAS MAILED TO THIS COURT IMMEDIATELY AUGUST 5TH 1997 (BEFORE RESPONDENTS REMOVED IT) AS A PETITION FOR WRIT OF CERTIORARI AND/OR HABEAS CORPUS. RESPONDENT REFUSED TO COPY IT. RELATED: 97-5677 AND ORDERS ARE AT APPENDICES TO 96-9513, 96-9813, 96-9113, 94-9212 INCORPORATED IN FULL. ARE UNPUBLISHED; ALSO AT APPENDICES F, G AND H WHICH ARE INCORPORATED AND CROSS-REFERENCED FROM THE OPINIONS OF THE UNITED STATES DISTRICT COURT APPEARS AT C90-20326 RPP, C90-20257 RPP, C90-20258 RPP, C90-20259 RPP, C90-20260 RPP, C90-20261 RPP, C90-20262 RPP, C90-20263 RPP, C90-20264 RPP, C90-20265 RPP, C90-20266 RPP, C90-20267 RPP, C90-20268 RPP, C90-20269 RPP, C90-20270 RPP, C90-20271 RPP, C90-20272 RPP, C90-20273 RPP, C90-20274 RPP, C90-20275 RPP, C90-20276 RPP, C90-20277 RPP, C90-20278 RPP, C90-20279 RPP, C90-20280 RPP, C90-20281 RPP, C90-20282 RPP, C90-20283 RPP, C90-20284 RPP, C90-20285 RPP, C90-20286 RPP, C90-20287 RPP, C90-20288 RPP, C90-20289 RPP, C90-20290 RPP, C90-20291 RPP, C90-20292 RPP, C90-20293 RPP, C90-20294 RPP, C90-20295 RPP, C90-20296 RPP, C90-20297 RPP, C90-20298 RPP, C90-20299 RPP, C90-20300 RPP, C90-20301 RPP, C90-20302 RPP, C90-20303 RPP, C90-20304 RPP, C90-20305 RPP, C90-20306 RPP, C90-20307 RPP, C90-20308 RPP, C90-20309 RPP, C90-20310 RPP, C90-20311 RPP, 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C90-20844 RPP, C90-20845 RPP, C90-20846 RPP, C90-20847 RPP, C90-20848 RPP, C90-20849 RPP, C90-20850 RPP, C90-20851 RPP, C90-20852 RPP, C90-20853 RPP, C90-20854 RPP, C90-20855 RPP, C90-20856 RPP, C90-20857 RPP, C9

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

PUB L 100-352, §7, 102 Stat 662 (1988)

ART. I, §9, clause 2, clause 3,

ART. I, §10.

ART. III,

ART. IV, §2.

ART. VI, §2.

UNITED STATES CONSTITUTION

28 U.S.C. §1654 (FEDERAL STATUTORY RIEN OF PRO SE REPRESENTATION AND ACCESS TO COURTS)

1st Amendment (RIGHT of Access to the courts)

- 4th " (ILLEGAL STOP, SEARCH, AND SEIZURE)
- 5th " (DOUBLE JEOPARDY, SELF-INCRIMINATION, DUE PROCESS: PROCEDURAL AND SUBSTANTIVE)
- 6th " (RIGHT OF REPRESENTATION, PRO SE, TO BE INFORMED, NOTICE AND JURY TRIAL)
- 8th " (CRUEL AND UNUSUAL PUNISHMENT AND CONDITIONS OF UNCONSTITUTIONAL CONFINEMENT)
- 9th " (RIGHTS OF THE PEOPLE NOT OTHERWISE ENUMERATED)
- 13th " (FORCED SLAVERY AND PUNISHMENT WITHOUT LEGAL CONVICTION; OBSTRUCTING DIRECT APPEAL)
- 14th " (DUE PROCESS AND EQUAL PROTECTION OF THE LAW; NO STATE SHALL DEPRIVE,)

California Penal Code §3. §805.5(c)(2).8799. 800-805

GARLOTTE v. FORDICE 115 S.Ct 1948, 115 LEd2d 876, 878 (1995)

U.S. v. TAYLOR 648 F.2d 565 (1981) (9th Cir.)

CUSTIS v. U.S. 114 S.Ct 1732 (1994)

CHAPMAN v. CALIFORNIA 17 LEd2d 705 (1967)

ORNELAS v. U.S. 116 S.Ct 1657 (1996)

BOUIE v. CITY OF COLUMBIA 12 LEd2d 894, 84 S.Ct 1697 (1964)

U.S. v. NURSINGWEAR 340 U.S. 36, 39 (1950)

RDW v. WADE 410 U.S. 113, 125 U.S. 73

DOGGETT v. U.S. 505 U.S. 647, 651

BRADY v. MARYLAND 373 U.S. 83, 10 LEd2d 215 (1963)

MILLER v. PATE 17 LEd2d 690, 87 S.Ct 785 (1967)

U.S. v. GAUDIN 115 S.Ct 2310 (1995)

YATES v. EVATT 111 S.Ct 1884, 114 LEd2d 432 (1991)

LOGAN v. ZIMMERMAN BRUSH CO. 71 LEd2d 265 (1982)

HEADRICKS v. VASQUEZ 408 F.2d 490 (9th Cir. 1990)

MIDLAND ASHTRAY CORP. v. U.S. 489 U.S. 794, 103 LEd2d 879 (1989)

U.S. v. BLOWN 34 F.3d 865 (9th Cir. 1994)

GREEN v. U.S. 355 U.S. 184, 2 LEd2d 199

BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY 410 U.S. 484, 35 LEd2d 443 (1973)

KYLES v. WHITLEY 115 S.Ct 1555 (1995)

PORTMAN v. COUNTY OF SANTA CLARA 995 F.2d 898 (9th Cir. 1993)

BREITZ v. KELMAN 773 F.2d 1026, 1035 (9th Cir. 1985) (en banc)

CLINE v. BONSETT 661 F.2d 108 (9th Cir. 1981)

RIVERS v. ROADWAY EXP. INC. 114 S.Ct 1510 (1994)

FRANCKS v. DELAWARE 438 U.S. 154 (1978)

DAVIS v. ALASKA 94 S.Ct 1105 (1974)

TOME v. U.S. 115 S.Ct 696 (1995)

LAMERGAF v. US FILM PRODUCTS 511 U.S. 244, 275 n. 29 (1994)

FARMER v. BRENNAN U.S. 114 S.Ct 1978, L.Ed. (1994)

LINDH v. MURPHY 117 S.Ct 2059 (1997)

STATEMENT OF THE CASE

The statement of this case is already fully set forth in the petition mailed to this court on or about August 5th, 1997, AND USCA9 No. 97-16705.

Petitioner was forced to mail his only court copy of Appendix "B", USCA9 FILED AUGUST 1, 1997 re No. 95-80113 with that petition. APPENDIX A WAS NOT AVAILABLE

until 8/28/97 In the instant petition petitioner has attached additional ~~USCA9 FILED AUGUST 28, 1997~~ HABEAS CORPUS ORDERS not earlier available, evidencing lack of remedy in these districts as well as USCA9.*

The more detailed statement was typed and filed in this court in Petition No. 96-8700.

CROSS-REFERENCED AND/OR INCORPORATED IN 96-9573, (HABEAS CORPUS) UPON LOWER COURT USCA9 NO. 95-80113, AND 96-943 AND 97-5677.

See also Pending Petitions ON DIRECT APPEAL LISTED AT OPINIONS BELOW, PAGE 1, SUPRA, INCORPORATED IN FULL DUE TO EXCEPTIONAL CIRCUMSTANCES. FOR EXAMPLE, RESPONDENTS HAVE JUST PLACED A VIOLENT, THREATENING INMATE IN MY CELL WHO IS ACTING ON BEHALF OF RESPONDENTS AND UPON THEIR ORDERS, TO THREATEN, AND ATTACK ME EVEN WHILE I AM PREPARING THIS STATEMENT. **
 ** CAUSING ME TO STRIKE TO MY HEAD ON 8/19/97 AND NO. C97-20665M
 THE COMPLAINT AND USDC NACA AND NO. S-97-1728 FILED 9-12-97
 USDC ECA AND USCA9 ORDERS EVIDENCE ABUSE OF PROCESS, ABUSE OF AUTHORITY AND THE COMPLAINT FROM REMOVED C97-2622FM FILED JULY 16, 1997 IN C97-20665 RMW/JET SEQ. AND FIRST AMENDED COMPLAINT ARE RE-ALLEGED AND IN CORPONATED HEREBY IN FULL FOR ALL PURPOSES AS LACK OF AVAILABLE REMEDY IN AID OF THIS COURTS APPELLATE JURISDICTION IN VIOLATION OF LAWS AND CONSTITUTION OF THE UNITED STATES.

* APPENDIX A EVIDENCES THE MODUS OPERANDI EMPLOYED TO EVADE REVIEW TO SKIRT ART. III TIMELY DIVERSITY AND HABEAS CORPUS PETITION BY REVIEW OF THIS COURT, ADVERSE TRANSFERS OF PAPER AND OF PERSON(S); SPICUM/SOCILIATION, AND OTHER TRANSPORTATION, RELOCATION, VAULTS, MEDICAL

REASONS FOR GRANTING THE WRIT

THE WRIT OF HABEAS CORPUS AND/OR CERTIORARI SHOULD AND MUST BE GRANTED BECAUSE I, PETITIONER, AM AN INNOCENT PERSON FALSELY, VINDICTIVELY IMPRISONED IN VIOLATION OF THE LAWS AND CONSTITUTION OF THE UNITED STATES, AND THERE IS NO OTHER ADEQUATE REMEDY OR ANY REMEDY TO GRANT GVR, RELEASE FROM WRONGFUL IMPRISONMENT AND/OR ALTERNATIVE RELEASE PENDING FURTHER APPEAL AS EVIDENCED BY THE "OPINIONS BELOW" AND APPENDICES HEREIN AND THE ORIGINAL OPINIONS FILED OR ALREADY LODGED WITH THIS HONORABLE COURT AND THE WHOLE HEREOF. See also PRAYER(S) TO RELATED PENDING PETITIONS ON DIRECT APPEAL. EXCEPTIONAL CIRCUMSTANCES.

INCREDIBLY ENOUGH, ON 10-26-97 USCA9 NO. 97-16705 WAS OBSTRUCTED SO ONLY ONE(1) ORIGINAL BRIEF WAS FILED BUT PROBABLY ONLY LODGED WITH THE COURT BECAUSE RESPONDENTS DELIBERATELY OBSTRUCTED SAID APPEAL DESPITE ACTUAL NOTICE OF TIME SCHEDULE ORDER FILED 9-15-97.

IN THIS MANNER CAUSING USCA9 NO. 92-15341 FILED JUNE 11, 1992 LOWER COURT NO. C 91-2534 RFP TO BE FRAUDULENTLY DISMISSED FOR FAILURE TO PROSECUTE APPEAL EVEN THOUGH NONWILLFUL FAILURE BY PETITIONER, FRAP 47(a)(1), 47(a)(2), 47(b) et al, AND THIS OBSTRUCTION OF HABEAS CORPUS APPEAL BY SAME RECORDS' REMOVAL, SPOLIUM, SPOLIATION IS NOT HARMLESS BEYOND A REASONABLE DOUBT, UNDER THE APPLICABLE STANDARDS OF REVIEW REVERSAL IS REQUIRED AND GVR CHAPMAN v. CALIFORNIA 17 LEd2d 705 (1967) AND DE NOVO REVIEW ORMECAS V. U.S. 116 SCt 1657 (1996) 1st, 4th, 5th, 6th, 8th, 14th Amendments, USC.

CONCLUSION

FOR THE FOREGOING REASONS THE WRIT OF HABEAS CORPUS AND/OR CERTIORARI SHOULD AND MUST ISSUE; and FOR THE REASONS AND CONCLUSIONS AT RELATED PENDING PETITIONS - STATE and FEDERAL ON DIRECT APPEAL EVIDENCING THAT THE LOWER COURT CONSTITUTIONAL VIOLATIONS WERE NOT HARMLESS BEYOND A REASONABLE DOUBT.*

Respectfully submitted

DATED: AUGUST 17, 1997

Lorenzo Arteaga
LORENZO ARTEAGA, PRO SE

* THE APPROPRIATE STANDARD OF REVIEW IS FOUND IN CHAPMAN v. CALIFORNIA 17 LEd2d 705 (1967); BOVIE v. COLUMBIA 12 LEd2d 894 (1964) AND THE "CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED" CITATIONS, RE-ALLEGED AND INCORPORATED HEREIN IN FULL. 28 USC §1654, 1st, 4th, 5th, 6th, 14th, AMENDMENTS, U.S. CONSTITUTION.

FILED

UNITED STATES COURT OF APPEALS

AUG 28 1997

FOR THE NINTH CIRCUIT

CATHY A. CATTENSON, CLERK
U.S. COURT OF APPEALS

In re: LORENZO ARTEAGA,

) No. 95-80113

Respondent.

)

) ORDER

Before: SCHROEDER, FERNANDEZ and RYMER, Circuit Judges

This court has reviewed the application and motion for stay, the motion to vacate this court's July 17, 1997 order, the motion to recall the mandate, and related documents lodged August 4 and 5, 1997 pursuant to the pre-filing review order entered in this docket. Respondent's motions are denied.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained in this closed docket.

PUBLISHER'S NOTE:

ORIGINAL PAGINATION IS NOT CONTINUOUS.

FILED

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

JUL 21 1997

LORENZO ARTEAGA,)	No. 96-16222
Plaintiff-Appellant,)	D.C. No. CV-94-03046-FMS
v.)	
PETE WILSON, Governor; DANIEL E.)	
LUNGREN, Attorney General,)	
Defendants-Appellees.)	
<hr/>		
LORENZO ARTEAGA,)	No. 96-16223
Plaintiff-Appellant,)	D.C. No. CV-94-01575-FMS
v.)	
CALIFORNIA DEPARTMENT OF)	MEMORANDUM*
CORRECTIONS; JAMES H. GOMEZ;)	
DANIEL VASQUEZ; A. HENRY, SGT.)	
ARMBRIGHT; G. L. MILLER; C. GRACE;)	
S. SMITH; B. OSENUEGRA;)	
R. G. CLEVELAND; E. MONROE;)	
J. NORMAN; SGT. VALDEZ R. BROWN,)	
Defendants-Appellees.)	

Appeal from the United States District Court
for the Northern District of California
Fern M. Smith, District Judge, Presiding

Submitted July 14, 1997**

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a); 9th Cir. R. 34-4.

Before: HUG, Chief Judge, KOZINSKI and LEAVY, Circuit Judges.

Lorenzo Arteaga, a California state prisoner, appeals pro se the district court's dismissal with prejudice of his 42 U.S.C. § 1983 action for failure to amend his complaints pursuant to the court's instructions. Dismissal is appropriate under Fed. R. Civ. P. 41(b) where a party fails to comply with a court's order to file an amended complaint. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). Here, the district court twice granted Arteaga the opportunity to amend his complaint, explained how his complaint was deficient, and warned that failure to amend would result in dismissal. We conclude that the district court did not err in dismissing Arteaga's action, see *id.*1/

AFFIRMED.

1/ Arteaga has filed numerous motions with this court. Those motions in which Arteaga requests this court to take judicial notice of various facts, pleadings and exhibits are denied. Arteaga's motions in which he seeks to consolidate his habeas petitions with this 1983 action are denied. Arteaga's motion that seeks habeas relief is denied as not appropriately raised in this 1983 action.

COPIES MAILED TO
PARTIES OF RECORD.

FILED

IN THE UNITED STATES DISTRICT COURT

MAY 13 1996

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U. S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA,
Plaintiff(s),
vs.
CALIFORNIA DEPARTMENT OF
CORRECTIONS DIRECTOR JAMES GOMEZ,
et al.,
Defendant(s).

No. C 94-1575 FMS
No. C 94-3046 FMS
JUDGMENT

22

LORENZO ARTEAGA,
Plaintiff(s),
vs.
GOVERNOR PETE WILSON, et al.,
Defendant(s).

ENTERED IN CIVIL DOCKET 5/15/96

For the reasons stated in the accompanying order,
these actions are dismissed with prejudice with filing the
allegations in other unpaid complaints.

The Clerk of the Court shall close the files.

SO ORDERED.

DATED: May 10, 1996


FERN M. SMITH
United States District Judge

United States District Court
For the Northern District of California

C97-6749

COPIES MAILED TO
PARTIES OF RECORD.

FILED

IN THE UNITED STATES DISTRICT COURT

MAY 13 1996

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U. S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA,
Plaintiff(s),
vs.
CALIFORNIA DEPARTMENT OF
CORRECTIONS DIRECTOR JAMES GOMEZ,
et al.,
Defendant(s).

No. C 94-1575 FMS
No. C 94-3046 FMS
ORDER OF
DISMISSAL

LORENZO ARTEAGA,
Plaintiff(s),
vs.
GOVERNOR PETE WILSON, et al.,
Defendant(s).

ENTERED IN CIVIL DOCKET 5/15/96

21

Plaintiff, a prisoner proceeding pro se, filed
two cases in the fall of 1994. The Court dismissed both
complaints with leave to amend on October 17, 1994.
Plaintiff improperly appealed the Court's orders to the
Ninth Circuit, and the Court stayed the actions pending the
Ninth Circuit's decision.

On January 31, 1996, after learning that
plaintiff's appeals had been dismissed by the Ninth
Circuit, this Court lifted the stay of these actions.
Plaintiff was given until February 29, 1996 to file amended
complaints. On March 6, 1996, plaintiff filed a motion to
reimpose the stay of his federal cases because he was busy
working on cases pending in state court. On March 7, 1996,

1 the Court denied the motion, but, sua sponte, granted
 2 plaintiff an extension until April 15, 1996 to file his
 3 amended complaints. Plaintiff has also filed a motion to
 4 recuse the Court, which the Court denied for lack of good
 5 cause. To date, plaintiff has failed to amend his
 6 complaints.

7 These actions have been pending, with no progress
 8 toward resolution, for an unusually long time. Plaintiff
 9 was forewarned that "failure to amend by [April 15, 1996],
 10 absent extraordinary circumstances, shall result in
 11 dismissal of plaintiff's cases by the Court." Plaintiff
 12 has failed to amend, and these actions are therefore
 13 DISMISSED with prejudice to filing the allegations in other
 14 unpaid complaints.

15 The Clerk of the Court shall close the files.

16 SO ORDERED.

17 DATED: May 10, 1996

18 
 19 FERN M. SMITH
 20 United States District Judge

United States District Court
 For the Northern District of California

RGK
 #C97-617

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

4 LORENZO ARTEAGA,) No. C 94-1575 FMS ✓
 5 Plaintiff(s),)
 vs.)
 6 CALIFORNIA DEPARTMENT OF)
 7 CORRECTIONS DIRECTOR JAMES GOMEZ,)
 et al.,)
 8 Defendant(s).)
 9 _____)
 10 LORE: 27 pages)
 11 v)
 12 GOVER al.,)
 13 _____)
 14
 15 The Court lifted the stays in the two above-)
 16 captioned cases on January 30, 1996, after being notified)
 17 that the Ninth Circuit had dismissed plaintiff's premature)
 18 appeals. Plaintiff now requests the Court to re-issue)
 19 stays in both his cases because he is busy working on)
 20 several cases in state court. Plaintiff's time constraints)
 21 due to unrelated litigation is not an appropriate reason to)
 22 stay plaintiff's cases and plaintiff's request is DENIED.)
 23
 24 Plaintiff asks, in the alternative, for the Court)
 25 to order the prison to issue a "red privilege card" to)
 26 plaintiff so he may have unlimited use of the prison)
 27 library instead of the approximate two hours per day of use)
 28 he currently is allowed. Plaintiff should be aware that)
 the Court does not interfere with internal prison decisions)

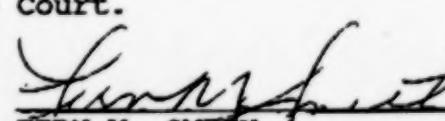
MAR - 7 1996

11/15

unless a constitutional right is being violated. The Constitution does not guarantee a prisoner unlimited access to the law library. Lindquist v. Idaho State Bd. of Corrections, 776 F.2d 851, 858 (9th Cir. 1985). Prison officials of necessity must regulate the time, manner and place in which library facilities are used. Id. Plaintiff's request to the Court for a "red privilege card" is DENIED.

The Court is sympathetic to the difficulties of proceeding pro se, however, and will grant plaintiff an extension of time in which to file his amended complaints. Plaintiff shall file a separate amended complaint in each case no later than April 15, 1996. Plaintiff shall use the appropriate case number and caption on each pleading. The Court is not inclined, however, to granted any further extensions of these cases. Plaintiff's cases have already been pending an unusually long time with no progress toward resolution. The Court dismissed plaintiff's cases with leave to amend on October 17, 1994 and plaintiff has yet to amend his complaints. Plaintiff is the party that initiated these actions and it is plaintiff's responsibility to prosecute these actions or voluntarily dismiss them. Failure to amend by the above date, absent extraordinary circumstances, shall result in dismissal of plaintiff's cases by the Court.

SO ORDERED.
DATED: March 1, 1996


FERN M. SMITH
United States District Judge

No. 97-6749

LBW 11

ORIGINAL

Supreme Court, U.S.
FILED
DEC 3 1997
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

IN RE:
LORENZO ARTEAGA — PETITIONER

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY
AT THE TIME OF FILMING. IF AND WHEN A
BETTER COPY CAN BE OBTAINED, A NEW FICHE
WILL BE ISSUED.

VS.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

SUPPLEMENTAL TO
PETITION FOR WRIT OF HABEAS CORPUS

LORENZO ARTEAGA

4001 KING AVENUE / E-66703
P.O. BOX 8800

CORCORAN, CA 93212-8300

QUESTION(S) PRESENTED

ARE THE FEDERAL STATUTORY AND FEDERAL CONSTITUTIONAL QUESTIONS AND ISSUES RAISED IN PORTMAN v. COUNTY OF SANTA CLARA 995 F_{2d} 898 (9th Cir. 1993) NOW RIPE FOR REVIEW WHERE PETITIONER, UNLIKE PORTMAN, DOES HAVE STANDING ON DIRECT APPEAL AND DOES RAISE THE SAME ISSUES; INCLUDING DOCUMENTED CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO THREATEN AND INTIMIDATE WITNESSES, TO DENY REASONABLE ACCESS TO THE COURTS OF THE UNITED STATES AND TOTAL LACK OF AVAILABLE REMEDY IN THIS CIRCUIT TO PROTECT CLEARLY ESTABLISHED CIVIL, STATUTORY AND CONSTITUTIONAL RIGHTS SINCE AT LEAST OCTOBER 18, 1988?

ARE THE FEDERAL CIRUIT CONFLICTS PRESENTED BY PORTMAN v. COUNTY OF SANTA CLARA 995 F_{2d} 898 (9th Cir. 1993) NOW RIPE FOR RESOLUTION BY THE COURT?

IS PETITIONER ENTITLED TO HAVE THE JUNE 11, 1992, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ORDER No. 92-15341, D.C. # CV-91-2534-RFP AND/OR PROCEEDING REINSTATED, TO GVR, TO RELEASE ON HIS OWN RECOGNIZANCE WHERE THE DISMISSAL FOR FAILURE TO PROSECUTE SAID APPEAL WAS DELIBERATELY CAUSED BY RESPONDENTS IN CONSPIRACY AND IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW?

BRETZ v. KELMAN 773 F_{2d} 1026, 1035 (9th Cir. 1985) (*en banc*)
LOGAN v. ZIMMERMAN BRUSH CO., ___ U.S. ___, 711 F_{2d} 265 (1982)

LIST OF PARTIES

[]

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

PETE WILSON
DANIEL E. LUNDREN
J. CLIFFORD WALLACE
PETER L. SHAW
RONALD M. WHYTE
JAMES WARE
GREGORY H. WARD
THOMAS MADDOCK

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IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[✓] For cases from federal courts

The opinion of the United States Court of Appeals appears at Appendix A to the petition filed on MAY 20, 1997 and is unpublished, and at Appendix A to the petition filed on AUGUST 25, 1997, and placed on the docket NOVEMBER 14, 1997 as a petition for a writ of habeas corpus, and is unpublished; docketed as LORENZO ARTEAGA, Petitioner v. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, No. 97-6749

Related opinions appear at Appendices to related petitions Nos. 96-9513 (5/20/97), 96-9113 (5/22/97), 97-5677 (8/11/97), Application No. A-314 (9/29/97), pending on reconsideration and rehearing, and are unpublished.

The most recent opinion of the United States Court of Appeals appears at Appendix A to the separately submitted petition for writ of certiorari dated November 23, 1997 which should bear a postmark of November 24, 1997 concerning the USCA9 order and concurrent mandate filed November 19, 1997.

JURISDICTION

For cases from federal courts.

The date on which the United States Court of Appeals decided my case was
NOVEMBER 19, 1997

RELATED BACK TO USCA9 CASE NUMBER ASSIGNED DOCKET # 95-80113 [1] FILED 3/22/95 BASED UPON APPELLATE COMMISSIONER PETER L. SHAW'S UNCONSTITUTIONAL SELF-STYLED OSC FILED 3/28/95 [2] WHICH ISSUED IMMEDIATELY IN VINDICTIVE RETALIATION FOR PETITIONER'S APPLICATION NO. A-705 TO THIS HONORABLE SUPREME COURT ALLOWING PETITIONER'S FIRST-EVER PETITION FOR WRIT OF CERTIORARI FILED C. 2/21/95 DOCKETED AS U.S. SUPREME COURT NO. 94-9212.

ALL FURTHER USCA9 PROCEEDINGS WERE IRREPARABLY TAINTED AND PREJUDICED AS FOUNDED UPON A DISTORTED AND CORRUPTED 3/28/95 OSC AND RESULTED IN THE FOLLOWING ADDITIONALLY (AND ADMITTEDLY) DISTORTED DECISIONS IN MY CASE:

Federal Rules of Appellate Procedure
 PRE-FILING REVIEW ORDER IN VIOLATION OF F.R.A.P. Rule 26(a)(1) (FRAP) 47(g)(1), 47(g)(2), FILED 5/5/95 [5], VIOLATING ART. I, §9, cl. 2, cl. 3, 1ST, 5TH, 6TH, AND 14TH AMENDMENTS, U.S. CONSTITUTION, LANDGRAF v. US FILM PRODUCTS, 511 U.S. 244, 275, n. 29 (1994), LINDH v. MURPHY 117 S.Ct 2059 (1997), BRETZ v. KELMAN, 773 F.2d 1026, 1035 (9th Cir. 1985) (en banc), AND ORDERS BASED THEREON:

6/29/95 [7], 7/20/95 [10], 9/22/95 [15], 9/22/95 [16],
 12/8/95 [18], 2/9/96 [22], 2/9/96 [23], 3/14/96 [26],
 7/12/96 [30], 1/9/97 [36], 2/21/97 [41], 4/24/97 [47],
 7/17/97 [59], 8/1/97 [60], 8/28/97 [65], 11/19/97 []
 DOCKET ENTRIES AS OF SEPTEMBER 12, 1997 IN USCA9 NO. 95-80113.

A SEPARATE PETITION HAS BEEN SUBMITTED AS TO THE 11/19/97 [] USCA9 ORDER AND MANDATE WHICH ISSUED INSTANTER AND CONTINUES TO UNCONSTITUTIONALLY IMPAIR AND PREJUDICE ALL PENDING PROCEEDINGS BEFORE THIS HONORABLE COURT.

FOR EXAMPLE: 4/24/97 [47], 2/21/97 [41], 7/17/97 [59] AND HABEAS CORPUS ORDER 8/1/97 [60] ALL IMPAIRED AND IRREPARABLY PREJUDICED U.S. SUPREME COURT PETITION NO. 96-9513 PRECLUDING COMPLIANCE WITH THIS COURT'S SPECIFIC 10/6/97 ORDER(S) AND ACTUAL CONSTITUTIONAL INJURY FOR PETITIONER'S NON-WILLFUL FAILURE TO COMPLY ON 10/27/97 AND NO. 97-5677 (DENIED 10/20/97) (HABEAS) AND NO. 96-9113 FILED 5/22/97, DENIED 10/6/97. PETITIONS FOR REHEARING AND/OR RECONSIDERATION PENDING.

MOREOVER, USCA9 Nos. 96-16222 AND 96-16223, ARISING ON DIRECT APPEAL OUT OF USDC N CA Nos. CV-94-3046: LORENZO ARTEAGA v. PETE WILSON, AND CV-94-1575 FMS: LORENZO ARTEAGA v. CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL., PRE-DATING UNCONSTITUTIONAL USCA9 DOCKET ENTRIES AND ORDERS NOS. 95-80113 AND USDC N CA NO. CV-97-20665 RMW AND CV-97-2622 FMS ARE ACTUALLY THE SUBJECT OF APPLICATION NO. A-314: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA, DENIED 10/30/97 (RULE 22.4) AND A PETITION FOR REHEARING IS PENDING AS WELL AS THE SEPARATELY SUBMITTED PETITION FOR WRIT OF CERTIORARI (11/23/97), AND RELATED PETITIONS FOR REHEARING IN U.S. SUPREME COURT NOS. 96-9513, 97-5677, 96-9113, BASED ON 28 USC §1254(1) JURISDICTION AND SUPREME COURT NOS. 96-9196, 96-9197, 96-9328, 96-9329, 96-9309 AND CASC NO. S059401 BASED ON 28 USC § 1257(a) JURISDICTION: ALL IRREPARABLY IMPAIRED, OBSTRUCTED AND PREJUDICED AND NOW PENDING BEFORE THIS HONORABLE COURT ON DIRECT APPEAL AND FEDERAL AND STATE HABEAS CORPUS.

THIS SUPPLEMENTAL BRIEF IS SUBMITTED UNDER RULES 15.8, 17, 18.10 AND/OR 25.5

THE JURISDICTION OF THIS COURT IS INVOKED UNDER 28 USC §1254(1) AND/OR ORIGINAL JURISDICTION UNDER ART. III OF THE CONSTITUTION OF THE UNITED STATES.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

GARLOTTE v. FORDICE (1995) 115 S.Ct 1948, 115 LEd2d 810, 878
UNITED STATES v. TAYLOR (1981) 648 F.2d 565 (9th Cir.)
PORTMAN v. COUNTY OF SANTA CLARA (1993) 995 F.2d 898 (9th Cir.)
BRETZ v. KELMAN (1985) 773 F.2d 1026, 1035 (9th Cir.) (en banc)
BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY (1973) 93 S.Ct 1123
DOGGETT v. U.S. (1992) 505 U.S. 647, 651
FRANKS v. DELAWARE (1978) 438 U.S. 154
ORNELAS v. U.S. (1996) 116 S.Ct 1657
DAVIS v. ALASKA (1974) 94 S.Ct 1105
GRiffin v. ILLINOIS (1956) 76 S.Ct 585
LOGAN v. ZIMMERMAN BRUSH CO. (1982) 71 LEd2d 265
LANDGRAF v. US FILM PRODUCTS (1994) 511 U.S. 244, 275, n. 29
LINDH v. MURPHY (1997) 117 S.Ct 2059
CLINE v. BRUSSETT (1981) 661 F.2d 108
BODDIE v. CONNECTICUT (1971) 91 S.Ct 780
BOUIE v. COLUMBIA (1964) 12 LEd2d 894
WEAVER v. GRAHAM (1981) 101 S.Ct 960
KYLES v. WHITLEY (1995) 115 S.Ct 1555
MILLER v. PATE (1967) 17 LEd2d 690
TOME v. U.S. (1995) U.S. — S.Ct —
CHAPMAN v. CALIFORNIA (1967) 17 LEd2d 705
U.S. v. MUNSINGWEAR (1950) 340 U.S. 36, 39
ROW v. WADE (1973) 410 U.S. 113
YATES v. EVATT (1991) 111 S.Ct 1884
U.S. v. GAUDIN (1995) 115 S.Ct 2310
U.S. v. BLOUNT (1994) 34 F.3d 865 (9th Cir.)

PUB L 100-352, 87 Stat 662 (1988)
 28 USC §§ 1331, 1332, 1343, 1443, 1447, 1254(1), 1257(a), 2241-2254, 2255
 28 USC § 1654
 ART. I, §9, cl. 2, cl. 3, ART. I, §10; ART. III, ART. IV, §2, ART. VII, §2,
 UNITED STATES CONSTITUTION
 1st, 4th, 5th, 6th, 8th, 9th, 13th AND 14th AMENDMENTS,
 UNITED STATES CONSTITUTION

2 J. WIGMORE, EVIDENCE §278

CALIFORNIA PENAL CODE SECTIONS: 3,
 804(a)-(d), 805.5(d)(2), 800
 1118, 1118.1, 1118.2, 995, 278, 278.5, 279, 279(c), 664,
 664-278, 664-278.5, 664-279, 664-279(c); 288(a), 288.5, 664-
 288(a), 664-288.5, 1203.066(a)(8) [(1990)]; 681, 689, 5011, 952,
 954, 955, 1004, 1009, 1165, 1188, 1185, 1017, 1538.5 [(1982)]

TITLE 18 USC §§ 1509, 1512, 1513, 1701, 1702, 1703; 241-242;
 42 USC §§ 1983, 1985(2), 1985(3), 1986

STATEMENT OF THE CASE

THE FACTS OF MY CASE ARE STATED IN MY ORIGINAL HABEAS CORPUS PETITION FILED IN UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA DOCKET NO. C-90-20326-RFP c. MAY 24, 1990 AND IN MY VERIFIED CONCURRENT CIVIL RIGHTS ACTION NUMBERED C-90-20257 c. JUNE 1990 WHICH ALLEGED AND SUBSTANTIATED A CONSPIRACY AND EXTENSION OF CONSPIRACY TO VIOLATE MY CIVIL, STATUTORY AND FEDERAL CONSTITUTIONAL RIGHTS UNDER COLOR OF AUTHORITY. THESE VERIFIED ALLEGATIONS WERE FURTHER DOCUMENTED IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA TIMELY DIVERSITY FEDERAL QUESTION REMOVAL ACTIONS I NEXT FILED TO TIMELY PRESERVE MY FEDERAL CONSTITUTIONAL RIGHTS AND LEGAL OBJECTIONS AS PROVIDED BY LAW.

THE USDC N CA DOCKETED THESE LATTER PROCEEDINGS IN MARCH-APRIL 1991 AS USDC N CA Nos. C-91-0583-RFP AND C-91-0594-RFP AND SAID ORIGINAL PLEADINGS ARE NOT MOOT AND FULLY STATE THE FACTS OF MY CASE AT THE TIME THAT THEY ARE OCCURRING AND SAID PLEADINGS ARE REALLEGED AND INCORPORATED HEREIN IN FULL FOR ALL PURPOSES.

AFTER I OVER-EXACTED AN UNCONSTITUTIONAL PRISON SENTENCE — MY FIRST EVER COMMITMENT TO PRISON FOR ALLEGEDLY VIOLATING AN EX PARTE UNNOTICED CIVIL COURT CUSTODY ORDER — I WAS AGAIN VINDICTIVELY REPROSECUTED BECAUSE THE STATE COURT CONVICTION WAS NOT FINAL AS MY DIRECT APPEAL WAS STILL PENDING OUT OF CALIFORNIA COURT OF APPEAL, SIXTH APPELLATE DISTRICT (CAAD6) No. H007751, SANTA CLARA COUNTY SUPERIOR COURT No. 138120 IN THE CALIFORNIA SUPREME COURT (CASC) No. S028858.

TO FORCE ME TO PROCEDURALLY DEFAULT ON MY FEDERAL STATUTORY (28 USC 51654) AND FEDERAL CONSTITUTIONAL RIGHT OF REDRESS (1ST AMENDMENT), DUE PROCESS AND EQUAL PROTECTION OF THE LAW (5TH AND 14TH AMENDMENTS), THE PROSECUTION REMOVED ALL OF MY PENDING LEGAL RECORDS, TRANSCRIPTS AND DOCUMENTARY EVIDENCE AND PROCEEDED TO REINSTATE A TIME-BARRED RES JUDICATA CRIMINAL COMPLAINT IT HAD MALICIOUSLY FILED WITHOUT REASONABLE OR PROBABLE CAUSE (4TH AMENDMENT) ON APRIL 27, 1984 IN SANTA CLARA COUNTY MUNICIPAL COURT DOCKET No. C-84-47195, LATER RE-NUMBERED SANTA CLARA COUNTY SUPERIOR COURT No. 125303. ORNELAS v. U.S., 116 S.Ct 1657 (1996) STANDARDS OF REVIEW. CHAPMAN v. CALIFORNIA 17 LEd2d 705 (1967)

WHEN I SOUGHT TO DEFEND MYSELF IN COURT UPON REINSTATED PROSECUTION FILED ON DECEMBER 4, 1992 IN SANTA CLARA COUNTY THE ORIGINAL COMPLAINT NO. 125303 HAD BEEN RE-NUMBERED No. 161396, THE PEOPLE OF THE STATE OF CALIFORNIA VS. LORENZO ARTEAGA AND I WAS DELIBERATELY PREVENTED FROM FILING PETITIONS FOR WRIT OF CERTIORARI FROM 1990 TO FEBRUARY 21, 1995, INCLUDING FORCED DEFAULTS IN U.S. SUPREME COURT DOCKET Nos. A-594, A-794, A-21, A-22, A-23, et al., INCLUDING CERTIORARI ON DIRECT APPEAL FROM CASC No. S028858 REVIEW DENIED WITHOUT A PLAIN STATEMENT c. OCTOBER 28, 1992, ALL MALICIOUSLY THWARTED AND PRECLUDED BY RESPONDENTS' DELIBERATE LEGAL RECORDS' REMOVALS, CONVERSION, SPOLIUM AND SPOLIATION UNDER COLOR OF AUTHORITY. PORTMAN v. COUNTY OF SANTA CLARA 995 F.2d 898 (9th Cir. 1993) BRETTZ v. KELMAN 773 F.2d 1026, 1035 (9th Cir. 1985) (en banc)

WHEN I REPORTED THE ABUSES TO THE FEDERAL COURT I FOUND THAT THE STATE TRIAL COURT JUDGE JAMES WARE WAS NOW IN OCTOBER 1990 APPOINTED TO THE SAME USDC N CA WHERE ALL OF MY LEGAL APPEALS WERE BEING HEARD AND WHEN I REPORTED THE CONTINUING ABUSES IN 1993 I FOUND THAT JUDGE ROBERT F. PECKHAM HAD DECEASED AND THAT RONALD M. WHYTE, ALSO STATE TRIAL COURT JUDGE OUT OF THE SAME

SANTA CLARA COUNTY SUPERIOR COURT (RESPONDENT) WAS REPLACING HIM AS FEDERAL JUDGE IN MY ORIGINAL CASES STILL ON DIRECT APPEAL BUT THE JUDGE ALLOWED RESPONDENTS TO KEEP ALL OF MY LEGAL RECORDS AND PENDING LOWER COURT ORDERS AWAY FROM ME, ESPECIALLY THE CASE NO. S028858, CAADG NO. H007751, SUPERIOR COURT NO. 138120 ORDER DENYING MY DIRECT APPEAL WITHOUT A PLAIN STATEMENT TO PREVENT ME FROM PETITIONING THIS HONORABLE COURT FOR A PETITION FOR WRIT OF CERTIORARI AS PROVIDED BY RULES 13, 14, 10, 11, 20.4(a), 48, et al. RULES OF THE SUPREME COURT OF THE UNITED STATES.

SO MY DIRECT APPEAL WAS DELIBERATELY FORECLOSED BY INTRINSIC AND EXTRINSIC FRAUD, MISDIRECTION, CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO VIOLATE MY CLEARLY ESTABLISHED RIGHT OF ACCESS TO THE COURT, DIRECT APPEAL, DUE PROCESS AND EQUAL PROTECTION OF THE LAW.

THESE FACTS ARE MORE FULLY EXPOUNDED IN THE STATEMENT OF FACTS I TIMELY FILED AND SERVED IN THE USCA9 CIRCUIT NOS. 95-15075, USDC #94-CV-1575: LORENZO ARTEAGA v. CALIFORNIA DEPARTMENT OF CORRECTIONS, et al., c. 2/21/95 AND USCA9 No. 95-15076, USDC #94-CV-3046: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA, et al., c. 2/21/95: DISMISSED FOR ALLEGED LACK OF JURISDICTION, LATER ON 7/8/96 RENUMBERED USCA9 No. 96-16222; AND ARTEAGA v. CDC: No. 96-16223. ARTEAGA v. WILSON AND ARTEAGA v. CDC (CONSOLIDATED) DENIED 7/21/97. RHG: DENIED ON 9/4/97; TOTAL RECORDS' REMOVAL TO DATE TO AGAIN FORCE PROCEDURAL AND SUBSTANTIVE DEFAULTS TO ALL PENDING LITIGATION ON DIRECT APPEAL. E.G.: APPLICATION NO. A-314 DENIED 10/30/97. PETITION FOR REHEARING SUBMITTED WITH EXTRAORDINARY WRIT: PENDING: LORENZO ARTEAGA v. PETE WILSON GOVERNOR OF CALIFORNIA. JUDICIAL NOTICE REQUESTED.

ON MARCH 28, 1995 PETER L. SHAW, APPELLATE COMMISSIONER FOR THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (USCA9) ISSUED AN

ORDER TO SHOW CAUSE WHICH HAS DISTORTED AND CORRUPTED THE PROCESS OF LAW AT THE OUTSET. ALL OF MY LEGAL RECORDS AND COURT ORDERS AND CASE NUMBERS LISTED IN THE 3/28/95 OSC HAD BEEN AGAIN REMOVED VIOLENTLY BY RESPONDENTS WHO HAD ME LOCKED UP IN THE HOLE FOR 8 MONTHS WITHOUT RADIO, TV, NEWSPAPER OR LAW LIBRARY ACCESS FROM C. 12/6/94 TO 7/4/95. EVEN SO I DULY SUBMITTED A MOTION TO QUASH THE ORDER TO SHOW CAUSE WHICH SAID COMMISSIONER FRAUDULENTLY REFUSED TO FILE OR FILE STAMP, FILING ONLY MY MOTION TO DISQUALIFY HIM ON 4/10/95 [3-1].

THESE LATTER OVERT ACTS WERE IN FURTHERANCE OF THE CONSPIRACY TO VIOLATE MY CIVIL, STATUTORY AND FEDERAL CONSTITUTIONAL RIGHTS UNDER COLOR OF AUTHORITY AND SOUGHT TO DISTORT AND TO CORRUPT THE PROCESS OF LAW BY CONDONING, AUTHORIZING, PERMITTING OR DIRECTING RESPONDENT STATE/COUNTY OFFICIALS' DELIBERATE OBSTRUCTION AND INTERFERENCE WITH CONSTITUTIONAL AND FEDERAL STATUTORY RIGHT OF ACCESS TO THE COURTS OF THE UNITED STATES, IN GENERAL; AND MORE PARTICULARLY, INTENDED TO DISMISS MY PENDING DIRECT APPEALS IN USCA9 NO. 95-15724, D.C. # CV-93-20240-RMW: LORENZO ARTEAGA v. QUASIM INHAM DIRECTOR, SANTA CLARA COUNTY DEPARTMENT OF CORRECTIONS, et al., AND NO. 95-15723, D.C. # CV-93-20745-RMW: LORENZO ARTEAGA vs. SANTA CLARA COUNTY, et al., WHICH DULY DOCUMENTED THE CONSPIRACY AND FURTHERANCE OF CONSPIRACY AT THE APRIL 1990 AND DECEMBER 4, 1992 STATE PROSECUTIONS UP TO THE FILING OF MY OPENING BRIEFS C. APRIL 18, 1995. PORTMAN v. COUNTY OF SANTA CLARA 995 F2d 898 (9th Cir. 1993) BRETZ v. KELMAN 773 F2d 1026, 1035 (9th Cir. 1985) Ex parte

ON JULY 3, 1995 RESPONDENTS EFFECTED THE OBJECT OF THEIR ON-GOING CONSPIRACY BY FILING MANDATE IN THE USDC NCA NUMBERS C-93-20745-RMW AND C-93-20240-RMW. 18 USC §§ 1509, 1512, 1513, 241-242; 42 USC §§ 1983, 1985(2), 1985(3), 1986.

THE ALLEGED BASIS FOR DISMISSING MY FULLY BRIEFED APPEALS WAS THAT I HAD NOT DULY SUBMITTED MY MOTION FOR LEAVE TO PROCEED IFP AND IFP DECLARATION, WHEN IN FACT I HAD DULY AND TIMELY MAILED THE SAME AND FILED THE SAME PURSUANT TO HOUSTON v. LACK (1989) ___ U.S. ___. AND F.R.A.P. RULE 25(a)(c); HAVING DELIVERED THE SAME TO CORRECTIONAL OFFICERS LIVINGSTONE, MILLER, et al., AT PELICAN BAY STATE PRISON WHILE IN ADMINISTRATIVE SEGREGATION.

THE DAY AFTER MANDATE FILED, ON JULY 4 OR 5, 1995, PRISON OFFICIALS SHOT ME WITH PEPPERS GAS WEAPONS AS I WAS ALONE IN MY CELL DOING MY LEGAL WORK PREPARING MY PETITION FOR WRIT OF CERTIORARI TO THIS HONORABLE COURT TO REINSTATE MY FRAUDULENTLY DISMISSED DIRECT APPEALS. ALL OF MY LEGAL RECORDS, EVIDENCE AND LOWER COURT ORDERS AND LEGAL MAIL WERE AGAIN TOTALLY REMOVED. I WOULD NOT RECEIVE ANY OF MY LEGAL RECORDS UNTIL SEPTEMBER OR OCTOBER 1995 TO HAVE PRECLUDED MY PETITION FOR WRIT OF CERTIORARI IN USCA9 Nos. 95-15075, 95-15076, 95-15723 AND 95-15724 BY SUCH OVERT ACTS IN CONSPIRACY AND FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW. BRETZ v. KELMAN 773 F2d 1026, 1035 (9th Cir. 1985) (en banc). LOGAN v. ZIMMERMAN BRUSH CO. (1982) ___ U.S. ___. 711 Fed2d 265, 42 U.S.C. §§ 1983, 1985(2), 1985(3). 1986: 1st, 5th, 6th AND 14th AMENDMENTS, ART. III, ART. I, § 9, U.S. CONSTITUTION.

THROUGHOUT THESE CHAOTIC CIRCUMSTANCES I HAVE PROCEEDED AS COURT-APPOINTED ATTORNEY OF RECORD AT MY NISI PRIUS PROCEEDINGS IN SANTA CLARA COUNTY SUPERIOR COURT AND ON DIRECT APPEAL IN THE CALIFORNIA COURT OF APPEALS, SIXTH APPELLATE DISTRICT, CALIFORNIA SUPREME COURT AND UNITED STATES DISTRICT COURTS - NORTHERN AND EASTERN DISTRICTS OF CALIFORNIA, THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT AND THE SUPREME COURT OF THE UNITED STATES. 28 U.S.C. § 1654.

ON MAY 22, 1997 I WAS SET-UP BY STATE PRISON OFFICIALS IN CONSPIRACY AND FURTHERANCE OF CONSPIRACY DETAILED SINCE MAY 24, 1990 IN C-90-20326-RFP; TO REMOVE ALL OF MY PENDING LEGAL RECORDS AND LOWER COURT ORDERS AND OBTAIN PROCEDURAL AND SUBSTANTIVE DEFAULTS. THESE OVERT ACTS ARE DOCUMENTED IN USDC N CA No. C-97-2622-PMS FILED 7/16/97 REASSIGNED TO C-97-20665 RMW AFTER USCA9 HAD DISMISSED MY APPEALS IN USCA9 Nos. 96-16222 AND 96-16223 ON 7/21/97, THE INSTANT SUBJECT OF U.S. SUPREME COURT DOCKET Nos. A-314: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA AND U.S. SUPREME COURT Nos. 96-9513, 96-9113, 97-5677 AND 97-6749, ALL PETITIONS PENDING AT THIS POINT IN TIME.

ON SUNDAY OCTOBER 26, 1997 I WAS ABLE TO FILE ONLY MY ORIGINAL APPELLANT'S/PETITIONER'S OPENING BRIEF OTHERWISE IN COMPLIANCE WITH THE USCA9 TIME SCHEDULE ORDER FILED 9/15/97 IN DOCKET No. 97-16705: LORENZO ARTEAGA, PLAINTIFF-APPELLANT vs. DANIEL E. LUNDGREN, et al., DEFENDANTS-APPELLEES, BUT I WAS NOT ALLOWED TO COMPLY WITH THE UNITED STATES SUPREME COURT ORDERS ENTERED ON OCTOBER 6, 1997 IN DOCKET No. 96-9513 FOR THE REASONS HEREIN ABOVE AND HEREIN STATED AND BRIEFED IN USCA9 No. 97-16705 AND IN PETITION(S) FOR RECONSIDERATION IN U.S. SCt Nos. 96-9513, 97-5677, 96-9113, 96-9196, 96-9197, 96-9328, 96-9329, 96-9309, et al.: WITH KNOWLEDGE AND CONTEMPT OF SAID U.S. COURT ORDERS. DEFENDANTS/RESPONDENTS DELIBERATELY REFUSED TO RETURN MY STATIONERY OR PROVIDE ME OTHER STATIONERY AND FALSIFIED ADMINISTRATIVE AND LEGAL RECORDS IN CONSPIRACY AND FURTHERANCE OF CONSPIRACY TO DENY ME ACCESS TO THE PRISON LAW LIBRARY TO DELIBERATELY OBSTRUCT, IMPEDE, HINDER, DELAY AND/OR KNOWINGLY AND WILLFULLY VIOLATE SAID USCA9 No. 97-16705 AND 96-9513, et al. U.S. COURT ORDERS. 18 USC § 1509, 1512, 1513, 1701-3, 241-242, 42 USC §§ 1986, 1985(2), 1985(3), 1983. PORTMAN v. SANTA CLARA 995 Fed2d 898.

REASONS FOR GRANTING THE PETITION

I HAD TO USE PAPER BAGS TO WRITE ON MY COPIES TO THIS COURT AND USCA9 AND OTHERS AS RESPONDENTS CONTINUED AND CONTINUE TO DELIBERATELY OBSTRUCT AND VIOLATE U.S. COURT ORDERS, INCLUDING THIS PETITION AND PROCEEDING AND LEGAL REDRESS. 18 USC 551509, 1512, 1513, 241-242; 42 USC 551986, 1985(2), 1985(3), 1983.

STATIONERY WAS ONLY ONCE REASONABLY PROVIDED: ON OCTOBER 31, 1997 I WAS ALLOWED TO OBTAIN SOME OF MY OWN STATIONERY BUT I WAS NOT ALLOWED TO ACCESS OR REVIEW ALL OF MY NECESSARY PENDING LEGAL RECORDS. EVEN SO, I DID DISCOVER THE FOLLOWING CRITICALLY CRUCIAL INFORMATION:

UNITED STATES COURT OF APPEALS **FILED**
FOR THE NINTH CIRCUIT

JUNE 11 1992
CATHERINE A. CATTERSON, CLERK
U.S. COURT OF APPEALS

LORENZO ARTEAGA,
PETITIONER-APPELLANT.

vs.

FRANK LESLIE HALL, DIRECTOR OF SANTA CLARA COUNTY DEPT. OF CORRECTIONS,
RESPONDENT-APPELLEE.

No. 92-15341
D.C. # CV-91-2534-RFP
NORTHERN CALIFORNIA

ORDER

BEFORE: FLETCHER AND LEAVY, Circuit Judges

APPELLANT'S MOTION FOR A STAY OF THE APPELLATE PROCEEDINGS PENDING THE CALIFORNIA SUPREME COURT'S RESOLUTION OF HIS PENDING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED.

APPELLANT'S MOTION FOR BAIL PENDING THE CALIFORNIA SUPREME COURT'S RESOLUTION OF HIS PENDING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED.

APPELLANT'S OPENING BRIEF AND EXCERPTS OF RECORD ARE DUE AUGUST 5, 1992; APPELLEE'S BRIEF IS DUE SEPTEMBER 4, 1992; THE REPLY BRIEF, IF ANY, IS DUE SEPTEMBER 18, 1992.

CR CAL 6/10/92 SP-B

THE ABOVE EXCERPT OF THE USCA9 ORDER FILED JUNE 11, 1992 No. 92-15341, D.C. # CV-91-2534-RFP NORTHERN CALIFORNIA WAS NOT DELIVERED TO OR RECEIVED BY ME UNTIL OCTOBER 31, 1997 DUE TO SAME DELIBERATE CONSPIRACY AND ON-GOING OVERT ACTS OF OBSTRUCTION AND RESPONDENTS REFUSED TO ALLOW ME TO RETAIN THE ORIGINAL COPY AND REFUSED AND CONTINUE TO REFUSE TO ALLOW ME TO REASONABLY ACCESS ALL OF MY PENDING LEGAL RECORDS AND LOWER COURT ORDERS NOW AT ISSUE IN HABEAS CORPUS AND DIRECT APPEAL PROCEEDINGS USCA9 Nos. 96-16222, 96-16223, CV-94-1575AMS, CV-94-3046FMS, 96-9513, 97-5677, 97-6749, AND U.S. SCY No. A-314. et al.

ON OR ABOUT JUNE 11, 1992 - THE DATE THE USCA9 ORDER WAS FILED - PETE WILSON, GOVERNOR OF CALIFORNIA, DANIEL E. LUNDGREN, ATTORNEY GENERAL OF CALIFORNIA AND THEIR CALIFORNIA BOARD OF PRISON TERMS APPOINTEE'S COMMISSIONER R. BEEKMAN, DEPUTY COMMISSIONERS ERNIE CALDERON (916) 322-6717, DOE VASQUEZ AND OTHER HIGH LEVEL OFFICIALS DELIBERATELY CAUSED ME TO BE INJECTED WITH AN OVERDOSE OF TUBERCULIN. THIS OVERT ACT WAS IN FURTHERANCE OF THEIR PRIOR OVERT ACT(S) OF HAVING SET ME UP IN THE HOLE AT SUSANVILLE STATE PRISON IN NOVEMBER 1991 TO DELIBERATELY OBSTRUCT U.S. SUPREME COURT ORDERS Nos. A-594, A-21, A-22, A-23, A-794, et al. AND SO HAVING MALICIOUSLY HOUSED ME WITH A GUY WHO HAD TUBERCULOSIS FOR 3-4 MONTHS UNTIL THEY AGAIN TRANSFERRED ME TO TEHACHAPI STATE PRISON ON FEBRUARY 28, 1992 WHEN THE HONORABLE JUSTICE SANDRA DAY O'CONNOR HAD GRANTED ME AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI TO MARCH 10, 1992 WHICH WAS SO DELIBERATELY OBSTRUCTED AND PRECLUDED BY RECORDS' REMOVALS.

THE TUBERCULIN INJECTION WAS INTENDED TO EFFECT THE SAME CONSPIRACY - SENDING ME TO BAKERSFIELD COUNTY HOSPITAL EMERGENCY FOR ALMOST A WEEK IN ORDER TO REMOVE ALL OF MY PENDING LEGAL RECORDS AND USCA9 No. 92-15341 ORDER TO DELIBERATELY VIOLATE OR OBSTRUCT SAID U.S. COURT ORDERS BY CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW.

ON OR ABOUT JULY 11, 1992 PETE WILSON, DANIEL E. LUNDGREN, R. BEEKMAN, ERNIE CALDERON, DOE VASQUEZ AND OTHER HIGH LEVEL PRISON OFFICIALS OF THE LEGAL PROCESSING UNIT IN SACRAMENTO PLACED ONE OF THEIR VIOLENT PROGRAMMED INMATES IN MY CELL AT TEHACHAPI STATE PRISON TO BEAT ME UP AND FABRICATE A "CELL FIGHT" TO AGAIN REMOVE THE USCA9 No. 92-15341 COURT ORDER AND FALSELY LOCK ME UP IN THE HOLE TO

FORCE ME TO SIGN PAROLE PAPERS (AS I AM AGAIN TODAY SIMILARLY SET-UP IN THE HOLE AFTER BEING BEAT UP WHILE I WAS HANDCUFFED, AND LATER RECEIVING 15 STITCHES ON MY HEAD IN THE HOLE AT SALINAS VALLEY STATE PRISON BEFORE THEY TRANSFERRED ME TO THIS HOLE AT CORCORAN STATE PRISON) TO REMOVE ALL OF MY PENDING LEGAL RECORDS AND LOWER COURT ORDERS BY CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW UNDER COLOR OF AUTHORITY. BRETZ v. KELMAN 773F_{2d}1026

ON AUGUST 5, 1992 I SIGNED PAROLE PAPERS WITHOUT KNOWLEDGE OF THE USCA9 No. 92-15341 COURT ORDER AND UNDER DURESS FOLLOWING AN UNCONSTITUTIONAL CALIFORNIA BOARD OF PRISON TERMS HEARING ORDERED BY PETE WILSON, DANIEL E. LUNDREN, R. BEEKMAN, ERNIE CALDERON AND THEIR APPOINTED COMMISSIONERS AND DEPUTY COMMISSIONERS CONVENED WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION OR AUTHORITY ON JULY 14, 1992 AT WHICH HEARING THE BPT ORDERED ME TO SIGN PAROLE PAPERS. WHEN I REFUSED TO SIGN BECAUSE, AS I TOLD THE BOARD OF PRISON TERMS, I HAD ALREADY FULLY EXACTED AND OVER-EXACTED MY COURT-ORDERED 2 YEAR, 4 MONTH PRISON SENTENCE BY 3 MONTHS AND WAS BEING DETAINED WITHOUT ANY COURT ORDER OR LEGAL CAUSE OR LEGAL PROCESS, THE BPT WHICH HAD NO JURISDICTION AS I WAS NOT AND AM NOT A LIFER AND HAD NO ADMINISTRATIVE LAW ON THE MATTER PER DANIEL E. LUNDREN AND THEIR LEGAL COUNSEL OPINION, NEVERTHELESS ORDERED ME RETAINED IN STATE PRISON FOR 6 MORE MONTHS AND TOLD ME THAT THEY COULD AND WOULD CONTINUE TO KEEP ME IN PRISON IN THE HOLE FOR FOUR (4) MORE YEARS WITHOUT ANY LEGAL COURT ORDER OR JUDICIAL PROCESS. THE WRITTEN RECORD OF THIS PROCEEDING WAS FILED IN CAADG No. H010082 (7-29-92) AND H010095 (8-6-92) AND THE SAME CAADG REFUSED TO TAKE JUDICIAL NOTICE OF SAID PROCEEDING ON DIRECT APPEAL No. H012729 (5/24/97) AND THE USCA9 ALSO REFUSED TO TAKE JUDICIAL NOTICE AT FOOTNOTE 1 FILED 7/21/97 IN USCA9 No.

96-16222 AND 96-16223 NOW AT ISSUE IN THIS HONORABLE COURT IN APPLICATION No. A-314: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA, et al., THE CALIFORNIA DEPARTMENT OF CORRECTIONS CHRONOLOGICAL HISTORY SHEET DATED 6-22-92 IS ATTACHED AS APPENDIX D¹

ON AUGUST 6, 1992 I WAS SUPPOSEDLY PAROLED BUT IN CONSPIRACY AND EXTENSION OF CONSPIRACY RESPONDENTS HAD THEIR CHAIN CONSPIRATOR REDWOOD CITY/COUNTY SHERIFF AGENTS WAITING FOR ME IN THE R&R RECEIVING AND RELEASE BUILDING FOR AN ALLEGED 3-YEAR OLD TRAFFIC TICKET MATTER I HAD ALREADY ADJUDICATED PURSUANT TO CALIFORNIA PENAL CODE SECTION 1381. THIS OVERT ACT WAS INTENDED TO ALLOW RESPONDENTS TO RETAIN MY LEGAL RECORDS AND PENDING LOWER COURT ORDERS BY CONSPIRACY AND FURTHERANCE OF CONSPIRACY TO VIOLATE MY RIGHT OF ACCESS TO THE COURTS AND DENY ME DUE PROCESS AND EQUAL PROTECTION OF THE LAW TO DISTORT AND TO CORRUPT THE PROCESS OF LAW UNDER COLOR OF AUTHORITY.

ON SEPTEMBER 4, 1992 I WAS ENROLLED AND ATTENDING CLASSES FULL-TIME AT SAN JOSE STATE UNIVERSITY AND KNEW NOTHING OF THE JUNE 11, 1992 USCA9 No. 92-15341 COURT ORDER.

ON SEPTEMBER 18, 1992 MY PETITION FOR REVIEW IN MY DIRECT APPEAL CAADG No. H007751, SUPERIOR COURT OF SANTA CLARA No. 138120 WAS FILED IN THE CALIFORNIA SUPREME COURT CRYPTICALLY NUMBERED S028858: LORENZO ARTEAGA v. PETE WILSON, et al., CAADG Nos. H010082 (7-29-92) AND H010095 (8-6-92).

THE DISMISSAL FOR FAILURE TO PROSECUTE USCA9 No. 92-15341 HABEAS CORPUS PETITION WAS NOT CAUSED BY ME BUT BY RESPONDENTS PETE WILSON, DANIEL E. LUNDREN, et al., IN CONSPIRACY AND IN FURTHERANCE OF CONSPIRACY ALLEGED BY SHELDON PORTMAN FORMER PUBLIC DEFENDER OF SANTA CLARA COUNTY IN PORTMAN v. COUNTY OF SANTA CLARA 995 F_{2d}898 (9th Cir. 1993).

¹ APPENDIX D TO THE SEPARATE PETITION FOR WRIT OF CERTIORARI AT WHICH APPENDIX A IS THE USCA9 No. 95-80113 ORDER FILED NOVEMBER 19, 1997. Q.V. JUDICIAL NOTICE REQUESTED. (MAILED NOVEMBER 23, 1997; SHOULD BE POST-MARKED NOVEMBER 24, 1997).

BUT UNLIKE PORTMAN, WHO THE NINTH CIRCUIT FOUND HAD NO STANDING TO RAISE THE LEGAL ISSUES HE BROUGHT ON BEHALF OF HIS CLIENTS OR FORMER CLIENTS, I AM RAISING THE EXACT SAME LEGAL ISSUES AND I DO HAVE STANDING AS I AM RAISING THESE SAME ISSUES AS A PRO SE DEFENDANT ON DIRECT APPEAL WHO WAS A FORMER CLIENT ON WHOSE BEHALF MR. PORTMAN BROUGHT HIS FEDERAL CONSTITUTIONAL CLAIMS. MOREOVER, UNLIKE PORTMAN v. COUNTY OF SANTA CLARA WHERE THE NINTH CIRCUIT FOUND THAT HIS CLAIMS WERE NOT "RIPE FOR REVIEW" MY SAME FEDERAL CONSTITUTIONAL CLAIMS ARE RIPE FOR REVIEW AND THE NINTH CIRCUIT, TENTH CIRCUIT, THIRD CIRCUIT AND FIRST CIRCUIT COURT OF APPEAL CONFLICTS LEFT UNRESOLVED SINCE 1993 SHOULD NOW BE RESOLVED IN THE INSTANT DIRECT APPEAL.

ON DECEMBER 4, 1992 AFTER RESPONDENTS' SANTA CLARA COUNTY, et al., FORCED ME TO DEFAULT ON USCA9 NO. 92-15341 BY CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW BY DELIBERATELY CONSPIRING WITH STATE OFFICIALS TO WITHHOLD AND REMOVE ALL OF MY PENDING LEGAL RECORDS (AS CONTINUES TO THE PRESENT TIME) AND TO WITHHOLD MY LEGAL MAIL SINCE MY ALLEGED PAROLE RELEASE ON AUGUST 6, 1992, RESPONDENTS EFFECTED THE OBJECT OF THEIR CONSPIRACY BY RE-ARRESTING ME WITHOUT JUST OR LEGAL OR PROBABLE CAUSE AND THEY REINSTATED A DEFUNCT STATUTORILY AND CONSTITUTIONALLY TIME-BARRED CRIMINAL COMPLAINT THEY HAD MALICIOUSLY FILED WITHOUT REASONABLE CAUSE ON APRIL 27, 1984 IN SANTA CLARA COUNTY SUPERIOR COURT NO. 125303, SANTA CLARA COUNTY MUNICIPAL COURT NO. C-84-47195. ORNELAS v. U.S., 116 Sct 1657 (1996). CHAPMAN v. CALIFORNIA 376 U.S. 172 (1967). RODIE v. COLUMBIA 12 LEd2d 894 (1964). MILLER v. PATE 17 LEd2d 690 (1967). BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY 35 LEd2d 443 (1973). DOGGETT v. U.S. 505 U.S. 647, 651 (1992). GARLOTTE v. FORDICE 115 Sct 1948 (1995).

THE LEGAL RECORD HAS BEEN DISTORTED AND CORRUPTED SINCE.

CONCLUSION

FOR THE FOREGOING EXCEPTIONAL REASONS THE PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED. ALTERNATIVELY, THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ORDER AND/OR PROCEEDING NUMBERED 92-15341 ENTITLED LORENZO ARTEAGA, PETITIONER-APPELLANT vs. FRANK LESLIE HALL, DIRECTOR OF SANTA CLARA COUNTY DEPARTMENT OF CORRECTIONS, RESPONDENT-APPELLEE SHOULD BE REINSTATED AND PETITIONER SHOULD BE RELEASED ON HIS OWN RECOGNIZANCE PENDING SUCH FURTHER PROCEEDINGS AS THE COURT DEEMS JUST AND PROPER; TO RELEASE AN INNOCENT PERSON FROM UNCONSTITUTIONAL IMPRISONMENT.

RESPECTFULLY SUBMITTED,

Lorenzo Arteaga
LORENZO ARTEAGA

DATE: NOVEMBER 23, 1997.

U.S. NO. 97-6749
96-9513, . . .

VERIFICATION

(C.C.P. §§ 446, 2015.5; 28 U.S.C. § 1746)

I, LORENZO ARTEAGA, declare under the penalty of perjury that:

I am the PETITIONER in the attached memorandum; I have read the foregoing document(s) and know the contents thereof; that the same is true of my own personal knowledge, or upon information and belief which I believe to be true; that if called to testify as to the contents thereof, I could do so competently as a sworn witness.

Supplemental to Petition for Writ of Habeas Corpus
I am the PETITIONER in the attached memorandum; I have read the foregoing document(s) and know the contents thereof; that the same is true of my own personal knowledge, or upon information and belief which I believe to be true; that if called to testify as to the contents thereof, I could do so competently as a sworn witness.

Executed this 30th day of NOVEMBER, 1997, at Salinas
Valley State Prison, Soledad, CA 93960-1030. 93212

CORCORAN

Lorenzo Arteaga

Declarant

DECLARATION OF SERVICE BY MAIL

(C.C.P. §§ 1013(a), 2015.5; 28 U.S.C. § 1746)

I, LORENZO ARTEAGA, declare: That I am a resident of Salinas Valley State Prison, Soledad, California; I am over the age of 18 years; I am PRO SE a party to the above entitled action; My address is P.O. Box 1030, Soledad, 93960, CORCORAN California 93960-1030; I served the attached document(s) entitled:
SUPPLEMENTAL TO PETITION FOR WRIT OF HABEAS CORPUS

on the persons/parties specified below by placing a true copy of said document into a sealed envelope with the appropriate postage affixed thereto and placing said envelope(s) into the United States Mail in a deposit box provided for at the Salinas Valley State Prison, Soledad, California, addressed as follows:
HANDS OF STATE PRISON OFFICIALS IN ONLY MANNER PERMITTED,
ADDRESSED AS FOLLOWS:

1. SETH P. WAXMAN
SOLICITOR GENERAL OF THE U.S.
ROOM 5614
DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20530-0001

DANIEL E. LUNDGREN
ATTORNEY GENERAL
P.O. BOX 944255
SACRAMENTO, CA
94244-2550

There is First Class mail delivery service by the United States Mail at the places so addressed and/or regular communication by mail between the place of mailing and the addresses above. I declare under the penalty of perjury that the foregoing is true and correct and that I executed this service on this 30th day of NOVEMBER, 1997, at Salinas Valley State Prison, Soledad, California 93960-1030. 93212

CORCORAN

Lorenzo Arteaga

Declarant

97-6749

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

LORENZO ARTEAGA — PETITIONER

VS

USCA9, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USCA9

FIRST SUPPLEMENTAL TO
PETITION FOR WRIT OF HABEAS CORPUS
(APPENDICES TO SUPPLEMENTAL)

LORENZO ARTEAGA

E-66703
4001 KING AVENUE / P.O. BOX 8800

CORCORAN, CA 93212

Supreme Court, U.S.
FILED

DEC 3 1997

CLERK

RECEIVED

DEC 6 1997

OFFICE OF THE CLERK
SUPREME COURT, U.S.

STATEMENT OF THE CASE

THE STATEMENT OF THE CASE IS SET FORTH IN THE SUPPLEMENTAL TO
PETITION FOR WRIT OF HABEAS CORPUS DATED NOVEMBER 30, 1997.
SAID SUPPLEMENTAL WAS MAILED WITHOUT THE ATTACHED APPENDICES BECAUSE
OF RESPONDENTS' LAST OVERT ACT OF DELIBERATELY WITHHOLDING THE
ATTACHED APPENDICES UNTIL TONIGHT, DECEMBER 2nd 1997.

INDEX TO APPENDICES

APPENDIX A DECLARATION OF COMPLIANCE WITH COURT CLERK'S
AUGUST 14, 1997 PURSUANT TO RULE 30.4 AND/OR
RULE 29.2 U.S. SUPREME COURT (DATED 11-8-97)

APPENDIX B PETITION FOR WRIT OF HABEAS CORPUS/CERTIORARI
ON PETITION FOR A WRIT OF CERTIORARI TO
CALIFORNIA COURT OF APPEALS FOR THE SIXTH
APPELLATE DISTRICT (CAAD6) AND/OR SUPERIOR
COURT OF SANTA CLARA COUNTY, CALIFORNIA *

PETITION FOR WRIT OF CERTIORARI ORIGINALLY
POSTMARKED JULY 16, 1997 AND RECEIVED AGAIN ON
NOVEMBER 14, 1997, ENTITLED ARTEAGA v. SUPERIOR
CT. OF SANTA CLARA. PER COURT CLERK'S LETTER
DATED NOVEMBER 17, 1997 NOT DELIVERED UNTIL
DECEMBER 2, 1997 (ALTHOUGH POSTMARKED NOVEMBER
19, 1997) AND INCLUSIVE APPENDICES AND THE WHOLE
THEREOF

APPENDIX C CLERK'S NOVEMBER 17, 1997

APPENDIX



DECLARATION OF COMPLIANCE...

DECLARATION OF COMPLIANCE WITH COURT CLERK'S AUGUST 14, 1997
PURSUANT TO RULE 30.4 AND/OR RULE 29.2 U.S. SUPREME COURT

1. ON 8-15-97 RESPONDENTS WERE AWARE OF CLERK'S 8-14-97 LETTER TO ME ATTACHED AS APPENDIX C TO THE CORRECTED PETITION TIMELY RECEIVED ON OCTOBER 6, 1997 "WITHIN 60 DAYS OF THE DATE OF THIS LETTER" (CLERK'S 8-14-97);
2. ON 8-15-97 RESPONDENTS TRANSFERRED THE INMATE THEY HAD HOUSED IN ^{MY} CELL FOR 2 1/2 MONTHS AND IMMEDIATELY REPLACED HIM WITH AN EXTREMELY VIOLENT PROGRAMMED CONFIDENTIAL INFORMANT WHO ADMITTED TO ME THAT HIS MISSION ON BEHALF OF RESPONDENTS WAS TO PRECLUDE MY COMPLIANCE WITH THE 8-14-97 CLERK'S LETTER AND I IMMEDIATELY REQUESTED HE BE REMOVED VERBALLY AND BY ADMINISTRATIVE WRITTEN APPEAL;
3. ON 8-18-97 AS I WAS WORKING ON MY PETITION FOR WRIT OF CERTIORARI TO THIS COURT AND MY BACK WAS TURNED HANDWRITING SAID PETITION RESPONDENT'S INMATE AGENT SUDDENLY AND WITHOUT PROVOCATION BEGAN TO VIOLENTLY BEAT ME IN THE BACK OF THE HEAD WITH A DEADLY WEAPON IN THE FORM OF A CONCRETE-DURABLE "CUP" PROVIDED BY RESPONDENTS FOR SAID COLLATERAL PURPOSE;
4. ON 8-18-97 DR. LUCINE OF SALINAS VALLEY STATE PRISON PUT FIFTEEN (15) STITCHES ON THE TOP AND BACK OF MY HEAD AS HE COMMENTED ON THE EXCESSIVELY VIOLENT INJURIES HE HAD OBSERVED IN THE PAST AND IN MY CASE CAUSED BY SUCH DANGEROUS UNBREAKABLE CUPS AND FIVE (5) PHOTOGRAPHS OF MY INJURIES WERE TAKEN;
5. ON 8-19-97 I RECEIVED THE CLERK'S 8-14-97 LETTER AND REFERENCED PAPERS AS WELL AS THE PAPERS REFERENCED IN THE CLERK'S JUNE 11, 1997 LETTER WHICH HAD EQUALLY BEEN DELIBERATELY VIOLENTLY OBSTRUCTED BY TWO (2) PREVIOUS ATTEMPTED MURDERS/AGGRAVATED BATTERY INCIDENTS ON 5-24-97 AND 5-30-97; ORCHESTRATED BY RESPONDENTS UNDER COLOR OF AUTHORITY. (USCA9 NO. 97-16725);

6. I DID NOT WANT RESPONDENTS TO SUCCEED IN FORCING ME TO DEFAULT ON THE 8-14-97 LETTER AS THEY HAD ON THE 6-11-97 LETTER AND REMOVE THE CASC NO. S059401 AND CAAD6 NO. H016397 ORDERS FROM ME AGAIN AS THEY DID ON 5-24-97 SO I MAILED THE JUNE 11, 1997 PAPERS BACK ON THE SAME DAY I RECEIVED THE 8-14-97 LETTER HOPING THAT I WOULD STILL HAVE A COPY OF THE ORDERS AVAILABLE AS I KNEW MY LIFE WAS AGAIN IN DANGER AS RESPONDENTS HAVE STOPPED AT NOTHING TO PREVENT ME FROM FILING THIS PETITION ON DIRECT APPEAL AS IT REQUIRES REVERSAL AND/OR GVR OF MY UNCONSTITUTIONAL STATE COURT CONVICTIONS AND SENTENCES OBTAINED IN 1993-1994 AND THE SAME UNCONSTITUTIONAL CONVICTIONS AND SENTENCES OBTAINED IN JULY-AUGUST 1990 ALL ARISING OUT OF A CRIMINAL COMPLAINT FILED APRIL 27, 1984 BASED UPON AN AUGUST 31, 1982 EX PARTE CIVIL COURT TEMPORARY CUSTODY ORDER;
7. ON 9-12-97 I AGAIN SERVED A COPY OF THIS PETITION ON DEFENDANTS/RESPONDENTS ASSOCIATE WARDEN P. TINGEY AND PRISON LAW LIBRARIAN A. NAPPI FOR COPY SERVICE ADDRESSED TO DANIEL E. LUNDREN, ATTORNEY GENERAL CALIFORNIA, 300 S. SPRING ST., LOS ANGELES, CA 90013, PETE WILSON, GOVERNOR, STATE CAPITOL, SACRAMENTO, CA 95814, SUPER. CT. OF CA, 115 TERRAIN ST. SAN JOSE, CA 95113, et al.
8. ON 9-12-97 MY 42 USC §1983 ARTEAGA v. LUNDREN NO CIV.S-97-1728GB ^{UNDER COLOR OF AUTHORITY} ADDRESSING ABOVE-CITED VIOLENCE ~~WAS FILED AND SERVED ON 10-13-97~~;
9. ON 9-15-97 I ~~WAS~~ - AS EXPECTED - TRANSFERRED ADVERSELY TO CORCORAN STATE PRISON AND THE 8-14-97 LETTER AND PETITION DELIBERATELY REMOVED; I COULD NOT MAIL THE ORIGINAL AS CORRECTED PER 8-14-97 LETTER UNTIL 9-28-97 BECAUSE RESPONDENTS KEPT ME IN "THE HOLE" WITHOUT STATIONERY OR ENVELOPES TO FORCE ME TO DEFAULT ON THE 8-14-97 ORDER.

DECLARATION OF COMPLIANCE...

10. ON 10-6-97 THIS COURT, THE U.S. SUPREME COURT, ISSUED AN ORDER IN LORENZO ARTEAGA v. CALIFORNIA No. 96-9513 WHICH REQUIRED ME TO "SUBMIT A PETITION IN COMPLIANCE WITH RULES 33.1 OF THE RULES OF THIS COURT" BY 10-27-97 AND TO "SEE RULE 39.8." 38(a), et al. I COULD NOT COMPLY WITH THIS DIRECT ORDER OF COURT BECAUSE RESPONDENTS DANIEL E. LUNDGREN, PETE WILSON, AND THEIR CALIFORNIA DEPARTMENT OF CORRECTION, THOMAS MADDOCK, DIRECTOR, et al. DELIBERATELY PREJUDGED THIS PETITION IRREPARABLY: DOCKET NO. 96-9513 AS THEY ALSO IRREPARABLY PREJUDGED PENDING U.S. SUPREME COURT PROCEEDINGS DOCKET NOS. 96-9196, 96-9197, 96-9328, 96-9329, 96-9309, 96-9113, 97-5677 AND THE INSTANT PETITION PROCEEDING CASC NO. S059401, CAAD6 NO. H016397, SUPER CT NO. 161396 BY THE OVERT ACTS DOCUMENTED AND SUBMITTED TO THIS HONORABLE COURT ON 10-15-97 IN A PETITION FOR REHEARING AND IN THE CORRECTED "PETITION FOR RECONSIDERATION" DATED/FILED 10-22-97 FIRST CLASS LEGAL MAIL POSTAGE PREPAID AND IN THE INCORPORATED DECLARATION AND DOCUMENTARY RECORDS SUBMITTED THEREWITH IN RESPONSE TO THIS COURT'S 10-6-97 ORDER ENTERED IN U.S. SCT NO. 96-9513 AND SAID PETITION FOR RECONSIDERATION, DECLARATION(S), DOCUMENTARY RECORDS AND OBSTRUCTED FILINGS ARE REALLEGED AND INCORPORATED HEREIN IN FULL UPON MY OWN FIRSTHAND PERSONAL KNOWLEDGE IN SUPPORT OF THIS DECLARATION THAT I DID COMPLY WITH THE CLERK'S AUGUST 14, 1997 LETTER AS THE CORRECTED COPY WAS RECEIVED ON OCTOBER 6, 1997;

11. ON 10-28-97 THE CLERK ISSUED TWO (2) SEPARATE ^{LETTERS} ~~MANIFEST~~ CASC NO. S059401, CAAD6 NO. H016397; THE CORRECTED PETITION WAS RECEIVED ON 10-6-97 PURSUANT TO THE CLERK'S 8-14-97, THE RULE OF LAST IN TIME, RULE OF LENITY AND/OR THE CLERK'S 10-28-97 LETTER AND TOTALITY OF CIRCUMSTANCES PRESENTED HEREIN;

12. WHEN I MAILED THIS STILL-OBSTRUCTED PETITION FOR WRIT OF

DECLARATION OF COMPLIANCE...

RECEIVED BACK TO THIS COURT ON "MAIL PICK" SUNDAY NIGHT 9-28-97 IT WAS DEPOSITED IN THE ONLY AVAILABLE MANILLA LEGAL ENVELOPE RESPONDENTS ALLOWED ME TO HAVE. I INCLUDED THREE SEPARATE PETITIONS WITH A COVER LETTER/NOTE DISTINGUISHING THE THREE SEPARATE PETITIONS AND SAID SEPARATE PETITION'S WERE SEALED IN SAID ENVELOPE MARKED FIRST CLASS LEGAL MAIL TOGETHER WITH THE INSTITUTION'S INTERNAL MAIL SYSTEM FIRST-CLASS POSTAGE PREPAID TRUST ACCOUNT WITHDRAWAL ORDER: CORRECTIONAL OFFICERS V. LOPEZ AND DOE I WITNESSED THE MAILING PURSUANT TO HOUSTON v. LACK (1989) U.S. ___ , ___ S.Ct. ___ , ___ LEd2d ___ ;

13. I DID NOT INTEND THE ^{PETITIONS} ~~MANIFEST~~ TO BE CONSOLIDATED OR JOINED BUT FOR EACH TO BE SEPARATELY FILED AND SEPARATELY DOCKETED, AND HAD TO MAIL THEM AT ONCE AND IN THE SAME ENVELOPE BECAUSE FACILITY CAPTAIN LAMONACA, LT. T. MALLOY, LT. MCENROE, LT. MCKLESKY AND THEIR OFFICERS WERE THREATENING TO EITHER HOUSE ANOTHER OF THEIR PROGRAMMED VIOLENT INMATES IN MY CELL OR TRANSFER ME TO SEGREGATED HOUSING AND HOUSE ME WITH AN INMATE TO BE BEAT UP AND TO AGAIN REMOVE THESE LEGAL PETITIONS SO I WOULD NOT TIMELY FILE THEM; TO OBSTRUCT THIS PETITION BY INTRINSIC AND EXTRINSIC FRAUD, VIOLENCE, THREATS AND INTIMIDATION;

14. I BARELY HAD ENOUGH PAPER TO COMPLY WITH USCAG TIME SCHEDULE ORDER NO. 97-16705, LORENZO ARTEAGA v. DANIEL E. LUNDGREN, et al. AND FILED OR LODGED ONLY ONE (1) ORIGINAL OPENING BRIEF ON SUNDAY 10-26-97 DUE MONDAY 10-27-97 BECAUSE RESPONDENTS WOULD NOT PROVIDE ME ACCESS TO MY LEGAL MATERIALS OR PROVIDE STATIONERY;

15. ON 10-31-97 AFTER PREJUDGING ALL MY PETITIONS RESPONDENTS PROVIDED ME WITH REASONABLE STATIONERY BUT NOT BEFORE ACTUAL INJURY/PREJUDICE;

16. ENCLOSED BY ITSELF IS THE TIMELY CORRECTED PETITION RECEIVED WITHIN 60 DAYS OF THE 8-14-97 LETTER ON 10-6-97 AND REQUEST THE COURT TAKE JUDICIAL NOTICE OF USCAG NO. 97-16705 AND U.S. SCT NOS. 96-9513, AND 97-5677. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT ON PERSONAL KNOWLEDGE. DATED: NOVEMBER 8, 1997.

LORENZO ARTEAGA

VERIFICATION

(C.C.P. §§ 446, 2015.5; 28 U.S.C. § 1746)

I, LORENZO ARTEAGA, declare under the penalty of perjury that:

I am the DECLARANT - PETITIONER in the attached matter; I have read the foregoing document(s) and know the contents thereof; that the same is true of my own personal knowledge, or upon information and belief which I believe to be true; that if called to testify as to the contents thereof, I could do so competently as a sworn witness.

Executed this 8th day of NOVEMBER, 1997, at ^{CORCORAN} Salinas
Valley State Prison, Soledad, CA 93960. 93212

CORCORAN

Lorenzo Arteaga

Declarant

DECLARATION OF SERVICE BY MAIL

(C.C.P. §§ 1013(a), 2015.5; 28 U.S.C. § 1746)

I, LORENZO ARTEAGA, declare: That I am a resident of ^{CORCORAN} Salinas Valley State Prison, Soledad, California; I am over the age of 18 years; I am PRO SE a party to the above entitled action; My address is P.O. Box 1030, ^{CORCORAN} Soledad, California 93960-1030; I served the attached document(s) entitled:

93212 DECLARATION OF COMPLIANCE WITH COURT CLERK'S AUGUST
14, 1997 PURSUANT TO RULE 30.4 AND OR RULE 29.2 U.S. SUPREME COURT

on the persons/parties specified below by placing a true copy of said document into a sealed envelope with the appropriate postage affixed thereto and placing said envelope(s) into the United States Mail in a deposit box provided for at the Salinas Valley State Prison, Soledad, California, addressed as follows: PURSUANT TO HUSTON v. LACK (1989) — U.S. — (AS RESPONDENTS REFUSE TO PROVIDE A MAIL BOX TO DELIBERATELY AND CAPRICIOUSLY CENSOR, TAMPER WITH, DELAY, READ AND/OR COPY LEGAL MAIL AND COURT FILINGS WITHOUT JUST OR SUFFICIENT OR ANY LEGAL CAUSE THEREFOR) ADDRESSED AS FOLLOWS:

DANIEL E. LUNDGREEN
ATTORNEY GENERAL
50 FREMONT ST.
SAN FRANCISCO, CA 94105

There is First Class mail delivery service by the United States Mail at the places so addressed and/or regular communication by mail between the place of mailing and the addresses above. I declare under the penalty of perjury that the foregoing is true and correct and that I executed this service on this 8th day of NOVEMBER, 1997, at ^{CORCORAN} Salinas Valley State Prison, Soledad, California 93960-1030.

CORCORAN

93212

Lorenzo Arteaga

Declarant

APPENDIX

B

QUESTION(S) PRESENTED

Related: 96-9513, 96-9113, 96-9329
 96-9309, 96-8700

IN THE

SUPREME COURT OF THE UNITED STATES
 OCTOBER TERM, 1996

IN RE:
 LORENZO ARTEAGA - PETITIONER

96-9328
 96-9196
 96-9197
 96-8141
 96-8146
 96-8288
 96-8289
 97-5677

vs.
 SUPERIOR COURT OF SANTA CLARA COUNTY, CALIFORNIA
 [REDACTED] et al. - RESPONDENTS)

PETITION FOR WRIT OF HABEAS CORPUS/CERTIORARI
 ON PETITION FOR A WRIT OF CERTIORARI TO

CALIFORNIA COURT OF APPEALS FOR THE SIXTH APPELLATE DISTRICT (CAAD6) AND/OR
 SUPERIOR COURT OF SANTA CLARA COUNTY, CALIFORNIA

PETITION FOR A WRIT OF CERTIORARI

LORENZO ARTEAGA

4001 KING AVENUE/P.O. BOX 8800
 124 ALDER STREET

CORCORAN, CA 93212
 SOLEDAD, CA 93960

(408) 678-5503; 678-5500

RECEIVED
 AUG 22 1997
 OFFICE OF THE CLERK
 SUPREME COURT, U.S.

WHAT REMEDY WILL AID IN THIS COURT'S ABOLUTE JURISDICTION WHERE AGGREGATE UNCONSTITUTIONAL STATE PROSECUTIONS AND "CONVICTIONS" GARLOTTE v. FORDICE 115 SCt 1948, 115 LED 2d 876, 878 (1995) WERE REINSTATED

MORE THAN TEN YEARS LATER WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION AFTER THEY HAD BEEN ADJUDICATED ON THE MERITS WITH PREJUDICE IN BOTH STATE AND FEDERAL COURTS IN USDC N CA NOS. C 90-10326 RFP, C 90-20257 RFP, C 91-5744 RFP, C 91-583 RFP, C 91-2524 RFP, C 91-2534 RFP ET AL., WHEN THE SENIOR U.S. DISTRICT COURT NORTHERN CALIFORNIA JUDGE HON. ROBERT F. PECKHAM DECLINED C. FEBRUARY 1993 AND RESPONDENT SUPERIOR COURT OF SANTA CLARA COUNTY ELEVATED ANOTHER ONE OF THEIR COLLEAGUES TO THE USDC N CA SO THAT HE PROCEEDED TO "REMAND" THE UNCONSTITUTIONAL VINDICTIVELY REINSTATED STATE PROSECUTION BACK TO HIS COLLEAGUES IN RESPONDENT SUPERIOR COURT IN PROCEDURALLY OBSTRUCTED USDC N CA DOCKET NO. C 93-20134 RMW BY ABUSING HIS NEW-FOUNDED AUTHORITY AND PURPORTING TO "REVERSE" THE RES JUDICATA JUDGMENTS OF THE NOW-DECEASED HON. ROBERT F. PECKHAM AND THE USDC N CA AS WELL AS THE USCA9 HAVE SANCTIONED EXTREME ACTS AND CONTINUOUS COURSE AND CONDUCT CRIMES OF ATTEMPTED MURDER, AGGRAVATED ASSAULTS, AGGRAVATED BATTERY, STABBINGS, SHOOTINGS, SPOLIUM, SPOLIATION UNDER COLOR OF AUTHORITY IN ORDER TO COVER-UP THE CONSPIRACY AND UNCONSTITUTIONAL ILLEGAL INITIAL ARRESTS, PROSECUTIONS AND EXTRA-JURISDICTIONAL REMAND ORDER FILED APRIL 1, 1993 IN BOTH THE USDC N CA AND IN THE STATE RESPONDENT SUPERIOR COURT NISI PRIUS RECORD ON DIRECT APPEAL TO THE CALIFORNIA COURT OF APPEAL NO. 6 (CAAD6), USDC N CA NO. C 93-20134 RMW, CAAD6 NOS. H012729, H007757, H005397, H006074, H005398, H007583, H010095, H010082, H005774, H009739, ET AL. SUPERIOR COURT NOS. 161396, 138120, 125303, 505627, 98982, J019892, H015977, S045783, S057852; U.S. SCT. NOS. 96-9196, 96-9197, DETAILED IN U.S. SUPREME COURT DOCKET NOS. (NOW PENDING): 96-9513, 96-9113, 96-8700, 96-9328, 96-9196, 96-9197, 96-8288, 96-8141, 96-8146, 96-8289, 94-9212, 95-9260, 96-804, 95-7417, 95-80113, ET AL. SO THAT THE USDC N CA HAD AND HAS NO JURISDICTION TO REVIEW OR TAMPER WITH THE RES JUDICATA JUDGMENTS AT ISSUE SINCE 1982, 1984, 1988, 1990, 1992 AND THE USDC N CA HAS SKIRTED THE ISSUE REGARDING LACK OF JURISDICTION BY DENYING INJUNCTIVE RELIEF, DECLARATORY RELIEF AND TIMELY HABEAS CORPUS PETITIONS IT ALLOWED, CONDONED, DIRECTED OR AUTHORIZED TO BE PROCEDURALLY PREJUDGED AND OBSTRUCTED IN USDC N CA DOCKET NOS. C 96-20026 RMW, C 96-20935 RMW, C 96-20969 RMW, C 96-20877 RMW, C 93-20134 RMW — BEGINNING WITH C 93-20134 RMW, ET AL., ET AL., C 93-20134 RMW — BASED UPON THE LATEST USCA9 ORDERS ENTERED IN THE UNCONSTITUTIONAL MISREPRESENTATION AND CORRUPTION AND DISTORTION OF THE PROCESS OF LAW ORDER STYLED "PRE-FILING REVIEW ORDER" USCA9 NO. 95-80113 FILED MAY 5, 1995 AND IMMEDIATELY FORWARDED TO THE USDC N CA AT SACRAMENTO WHERE THE SAME USCA9 ORDER WAS REFILED ON MAY 8, 1995 IN THE DISTRICT WHERE PETITIONER WAS THEN HELD EFFECTIVELY SUSPENDING THE WRIT OF HABEAS CORPUS AND INITIAL CIVIL RIGHTS ACTIONS IN USDC N CA DOCKET AND NO. 91-CV-552, 92-CV-027, CV-91-552, CV-92-027 WHICH HAD BEEN FILED AND PENDING BEFORE PETITIONER WAS AGAIN VINDICTIVELY RE-PROSECUTED WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION BY THE USDC N CA REMAND ORDER NO. C 93-20134 RMW WHICH UNCONSTITUTIONAL ORDERS HAVE DELIBERATELY EVADED U.S. CONSTITUTION ARTICLE III FEDERAL QUESTION AND DIVERSITY REVIEW TO THE PRESENT TIME¹ DOES RULE 10, 11, OR 20.4(a) RULES OF THE SUPREME COURT GOVERN PETITIONER'S "PETITION TO LIFT THE PRE-FILING REVIEW ORDER" AND HOW CAN PETITIONER LIFT SAID UNCONSTITUTIONAL ORDER WHICH HAS IRREPARABLY PREJUDICED PAST, PRESENT AND PENDING LITIGATION AND DIRECT APPEAL AND HABEAS CORPUS ACTIONS IN BOTH STATE AND FEDERAL COURTS IN VIOLATION OF PUBLIC LAW 100-352, §7, 102 STAT 662 (1988) AND OF THE LIBERTY INTERESTS AND BLACK LETTER LAW LEGISLATIVE INTENT ENBODIED IN CALIFORNIA PENAL CODE SECTIONS 805.5(c)(2), 3, 800-805, IN VIOLATION OF DUE PROCESS AND EQUAL PROTECTION OF THE LAW AND REPUGNANT TO THE LAWS AND CONSTITUTION OF THE UNITED STATES AS EVIDENCED BY PENDING RELATED PETITIONS ON DIRECT APPEAL FROM STATE AND FEDERAL COURT NOS. 96-9513, 96-9113, 96-8700, 96-9329, 96-9309, 96-9326, 96-9196, 96-9197, 96-8141, 96-8146, 96-8288, 96-8289, USCA9 NOS. 95-80113, 96-16222, 96-16223, 95-15075, 95-15076, 95-15724, 95-15411, 94-80445, 91-80185, 91-16572, ET AL.²

DUE TO SUCH ABUSE OF AUTHORITY, ABUSE OF PROCESS, LACK OF JURISDICTION, UNCONSTITUTIONAL SUSPENDING OF THE WRIT OF HABEAS CORPUS IN SPECIFIC VIOLATION OF ART. I, §9, clause 2, clause 3, ART. I, §10, ART. III, ART. IV, §2, ART. III, §2 CAUSED BY USCA9 DOCKET NO. 95-80113 AND NO REMEDY PROVIDED SINCE MARCH 1994 AS EVIDENCED IN USCA9 DOCKET NOS. 96-16222, 96-16223 RENUMBERED OUT OF USCA9 NOS. 95-15075, 95-15076, 94-80445, 95-15723, 95-15724 (TO FRAUDULENTLY EVADE APPLICABLE CONSTITUTIONAL LAW AND ARTICLE III JURISDICTION) OBSTRUCTED DIRECT APPEAL PROCEEDINGS, AND CONTAINING DELIBERATE UNCONSTITUTIONAL OBSTRUCTION AND TOTAL UNAVAILABILITY OF ANY REMEDY SINCE 1982, AND EVIDENTLY EXCEPTIONAL CIRCUMSTANCES LAST EVIDENCED IN USCA9 DOCKET NOS. 95-80113 AND 96-16222, 96-16223 IS IT ANY WONDER WHY ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT?³

* ALSO IN VIOLATION OF PETITIONER'S FEDERAL STATUTORY AND CONSTITUTIONAL RIGHT TO ACCESS THE COURTS, REDRESS GRIEVANCES, PROCEED PRO SE UNDER 28 USC §1654 AND 1ST, 4TH AND 14TH AMENDMENTS, U.S. CONSTITUTION.)

¹ SEE USCA9 NO. 97-16705, LORENZO ARTEAGA V. DANIEL E. LUNDGREEN AND MOTION TO RECONSIDER/VACATE

LIST OF PARTIES

ALL PARTIES DO NOT APPEAR ON COVER PAGE AND INCLUDE:

1. DANIEL E. LUNDREN
2. PETE WILSON
3. THOMAS MADDOCK
4. LEWIS JONES
5. GARY LINDSEY WARDEN SVSP
6. JOSEPH BASSO
7. P. TINCEY
8. G.E. HARRIS
9. P.H. CARRILLO
AND SUCCESSORS/SUBORDINATES/CUSTODIANS
10. GEORGE M. CALAZA WARDEN CSP CORCORAN

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INDEX TO APPENDICES

APPENDIX A CASC No. S059401 FILED 4-16-97
CAAD6 No. H016397

APPENDIX B CAAD6 No. ~~H016397~~ ^{H016397} FILED 2-20-97
SUPER. CT. No. 161396

APPENDIX C U.S. SCT CLERKS LETTERS/ORDERS DATED C. JULY
AND AUGUST 14, 1997 RE: ARTERIA V. SUPERIOR COURT OF
SANTA CLARA COUNTY, CALIFORNIA
(NOT INCLUDED) Fed. R.EVIDENCE, RULE 201, et seq.

APPENDIX D SEPARATELY SUBMITTED PETITION DATED CIRCA AUGUST 18, 1997
(DELIBERATELY WITHHELD/OBSTRUCTED BY RESPONDENTS) IS
INCORPORATED HEREIN IN FULL PURSUANT TO RULES 12, 4
AND 20, 4(c), RULES OF THE SUPREME COURT AND ORAL
JUDICIAL NOTICE IS REQUESTED.

APPENDIX E SEE RELATED/IDENTICAL CONCURRENT PENDING PETITIONS ON DIRECT APPEAL
AND/OR HABEAS CORPUS, INCORPORATED IN FULL AND OR JUDICIAL
NOTICE REQUESTED, RULE 12, 4, 20, 4(a), RULES SUPREME COURT, R. 44,
48;

APPENDIX F



IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1996

PETITION FOR A WRIT OF HABEAS CORPUS
ON PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of habeas corpus and/or certiorari issue to review the judgment(s) below, GVR, and release petitioner from vindictive, double jeopardy, ex post facto, constitutionally deficient void verdicts and extra-jurisdictional judgments entered after acquittal which are not even based upon any specific legislatively defined jurisdictional penal statute, in violation of the laws and constitution of the United States.

OPINIONS BELOW

For cases from ~~STATE~~ courts: The opinion of the ~~STATE~~ appears at APPENDIX A. ~~See also Petition and related petitions Nos 96-9573, 96-9113, 96-9329, 96-9309, 97-5677, 96-9328, 96-9196, 96-9197, 96-8146; UNPUBLISHED & RELATED PENDING PETITIONS IN CCR 1978 D/JURIS 91 WITHE FED. RULES F/J.R. 201...~~
 THE RELATED PENDING PETITIONS IN CCR 1978 D/JURIS 91 WITHE FED. RULES F/J.R. 201...
 THE LOWER COURT SIXTH APPELLATE STATE APPEAL COURT OPINION AT APPENDIX B IS ALSO UNPUBLISHED.
 EXCEPTIONAL CIRCUMSTANCES. Because of the exceptional circumstances presented by this petition and the related opinions now on DIRECT REVIEW and Lis pendens, Rules 12.4 and 20.4(a) are additionally invoked pursuant to PUBL L 100-352, 87, 102 Stat 662 (1988); see APPEALS AND WRITS IN CRIMINAL CASES, UPDATE MARCH 1996. CALIFORNIA CRIMINAL LAW PRACTICE SERIES, Continuing Education of the Bar - California (CEB) [§ 3.8], pp. 168-169. ART. I, § 9, 510, ART. III, ART. IV, § 2, U.S.C. THIS PETITION IS ADDITIONALLY BASED UPON THE LOWER COURT ORDERS LOCATED AT APPENDICES A, B, et seq., IN THE FOLLOWING U.S. SUPREME COURT DOCKETS INCORPORATED HEREIN IN FULL, TO-WIT: 13. LORENZO ARTEAGA v. USCA9 No. 97-5677

1. LORENZO ARTEAGA v. CALIFORNIA No. 96-9573	7. LORENZO ARTEAGA v. SANTA CLARA DEPT. OF No. 96-9196
2. LORENZO ARTEAGA v. USCA9 No. 96-9113	8. LORENZO ARTEAGA v. CALIFORNIA No. 96-9197
3. LORENZO ARTEAGA v. USCA9 No. 96-8700	9. LORENZO ARTEAGA v. DON HILL No. 96-8141
4. LORENZO ARTEAGA v. CALIFORNIA No. 96-9329	10. LORENZO ARTEAGA v. CALIFORNIA No. 96-8146
5. LORENZO ARTEAGA v. CALIFORNIA No. 96-9309	11. LORENZO ARTEAGA v. SUPERIOR COURT OF SANTA CLARA No. 96-8288
6. LORENZO ARTEAGA v. CALIFORNIA No. 96-9328	12. LORENZO ARTEAGA v. CALIFORNIA No. 96-8289

AND TIMELY ASSERTED OBJECTIONS AND OPINIONS IN RE USCA9 NO. 95-80113 FILED AND LODGED IN U.S. SCT DOCKET Nos. 94-9212, 96-6804, 95-9260, 95-7417, AT APPENDICES A-Z AND THE WHOLE THEREOF INCORPORATED IN FULL, AND/OR JUDICIAL NOTICE, FEDERAL RULES OF EVIDENCE, RULE 201, ET SEQ., CONTAINING OBJECTION TO UNCONSTITUTIONAL USCA9 NO. 95-80113 FILED MAY 5, 1995 BASED ON MARCH 28, 1995 EX PARTE, EX POST FACTO, SVA STATE OSC WHICH DISTORTED AND CORRUPTED THE PROCESS OF LAW AND SUSPENDED THE WRIT OF HABEAS CORPUS NO. USCA9

JURISDICTION

For cases from ~~STATE~~ courts:
28 USC § 1257(a)

CALIFORNIA SUPREME COURT

The date on which the ~~Plaintiff Plaintiff Name Name Name~~ decided my case was
4/16/97 ~~4/16/97~~ AT APPENDIX A

Relations

BACK TO ~~APPENDIX A~~ BASED ON EX POST FACTO

UNCONST/TUTORIAL OSC EX PARTE, SVA SPONSOR DISTORTING AND CORRUPTING PROCESS OF LAW,
BREITZ V. KELMAN 773 F.2d 1026, 1035
941 (1985) 28 USC § 1257(a)

1st, 4th, 5th, 6th, 8th, 9th, 13th, 14th Amendments, U.S. CONSTITUTION, ORNELAS V. U.S. 116 S.Ct 1657 (1996)

FURTHER JURISDICTION: ART. I, § 9, cl. 2,

cl. 3, ART. I, § 10, U.S. CONSTITUTION,
28 USC § 1654; PUBLIC LAW 100-352

§ 7, 102 Stat 662 (1988) ART. III, ART. IV, § 2
ART. V, § 2, U.S. CONSTITUTION, LINDH V. MURPHY 117 S.Ct 2059 (1997), 28 USC § 1257(a)

28 USC § 1254(1); 1343, 1443, 1257(a), 1332

1367, 2241-2254, 2255 GARLOTTE V. FORDKE 115 S.Ct 1948, 1978 (1995) 115 Ed 2d 876, 878; CUSTIS V. U.S. 115 S.Ct 1732 (1995), PORTMAN V. COUNTY OF SANTA CLARA 99 S.F. 2d 818 (9th Cir 1993); LAUDGRAF V. US FILM PRODUCTS 511 U.S. 244, 275 n. 29 (1994);

ALSO SEE JURISDICTIONAL STATEMENTS
IN RELATED PENDING DOCKETS, INCORPORATED
IN FULL HEREIN.

STANDARD OF REVIEW: CHAPMAN V. CALIFORNIA 17 LED 2d 705 (1967)

BOVIE V. CITY OF COLUMBIA 12 LED 2d 894 (1964) (DUE PROCESS/EQUAL PROTECTION)
DOGGETT V. U.S. 505 U.S. 647, 651 (6th AMENDMENT: COMPULSORY PROCESS, SPEEDY TRIAL)
GREEN V. U.S. 355 U.S. 184, 2 (Ed 2d 1997) (DOUBLE JEOPARDY, VINDICTIVE PROSECUTION)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

PUB L 100-352, §7, 102 Stat 662 (1988)

ART. I, §9, clause 2, clause 3.

ART. I, §10.

ART. III,

ART. IV, §2.

ART. VI, §2.

UNITED STATES CONSTITUTION

28 U.S.C. § 1654 (FEDERAL STATUTORY RIGHT OF PRO SE REPRESENTATION AND ACCESS TO COURTS)

1st Amendment (RIGHT OF ACCESS TO THE COURTS)

4th " (ILLEGAL STOP, SEARCH AND SEIZURE)

5th " (DOUBLE JEOPARDY, SELF-INCRIMINATION, DUE PROCESS: PROCEDURAL AND SUBSTANTIVE)

6th " (RIGHT OF REPRESENTATION, PRO SE, TO BE INFORMED, NOTICE AND JURY TRIAL)

8th " (CRAVE AND UNUSUAL PUNISHMENT AND CONDITIONS OF UNCONSTITUTIONAL CONFINEMENT)

9th " (RIGHTS OF THE PEOPLE NOT OTHERWISE ENUMERATED)

13th " (FORCED SLAVERY AND PUNISHMENT WITHOUT LEGAL CONVICTION; OBSTRUCTING DIRECT APPEAL)

14th " (DUE PROCESS AND EQUAL PROTECTION OF THE LAW; NO STATE SHALL DEPRIVE.)

California Penal Code §3, §805.5(c)(2), §§799, 800-805

GARLOTTE v. FORDICE 115 SCT 1948, 115 LEd2d 876, 878 (1995)

U.S. v. TAYLOR 648 F.2d 565 (9th Cir. 1981)

CUSTIS v. U.S. 114 SCT 1732 (1994)

CHAPMAN v. CALIFORNIA 17 LEd2d 705 (1967)

ORNELAS v. U.S. 116 SCT 1657 (1996)

ROUIE v. CITY OF COLUMBIA 12 LEd2d 894, 84 SCT 1697 (1964)

U.S. v. MUNSINGWEAR 340 U.S. 36, 39 (1950)

ROW v. WADE 410 U.S. 113, 125 (1973)

DOGGETT v. U.S. 505 U.S. 647, 651

BRADY v. MARYLAND 373 U.S. 83, 10 LEd2d 215 (1963)

MILLER v. PATE 17 LEd2d 690, 87 SCT 785 (1967)

U.S. v. GAUDIN 115 SCT 2310 (1995)

YATES v. EVATT 111 SCT 1824, 114 LEd2d 432 (1991)

LOGAN v. ZIMMERMAN BRUSH CO. 71 LEd2d 265 (1982)

HENDRICKS v. VASQUEZ 908 F.2d 490 (9th Cir. 1990)

MIDLAND ASPHALT CORP. v. U.S. 429 U.S. 794, 103 LEd2d 879 (1989)

U.S. v. BLOUNT 34 F.3d 865 (9th Cir. 1994)

GREEN v. U.S. 355 U.S. 184, 2 LEd2d 199

BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY 410 U.S. 484, 35 LEd2d 443 (1973)

KYLES v. WHITREY 115 SCT 1555 (1995)

PORTMAN v. COUNTY OF SANTA CLARA 995 F.2d 898 (9th Cir. 1993)

BRETZ v. KELMAN 773 F.2d 1026, 1035 (9th Cir. 1985) (en banc)

CLINE v. BRUSSETT 661 F.2d 108 (9th Cir. 1981)

RIVERS v. ROADWAY EXP. INC. 114 SCT 1510 (1994)

FRANKS v. DELAWARE 438 U.S. 154 (1978)

DAVIS v. ALASKA 94 SCT 1105 (1974)

TOME v. U.S. 115 SCT 696 (1995)

LANDGRAF v. USI FILM PRODUCTS 511 U.S. 244, 275 n.29 (1994)

LINDH v. MURPHY 117 SCT 2059 (1997)

STATEMENT OF THE CASE

SEE PENDING PETITIONS 96-9196, 96-9197, 96-9328, 96-9329, 96-9309 SAME STATEMENT

AND/OR SEE PENDING PETITIONS 96-9513,

97-5677, 96-9113, 96-8700, 96-8141; PER 28 USC §1254(1) AND

FED. R. EVIDENCE, RULE 201, ET SEQ. INCORPORATED IN FULL

- R. 204(a) CIRCUMSTANCES

APPENDIX A NO. CASE 5059401 WAS DENIED AFTER ALL FOREGOING PETITIONS

WERE IRREPARABLY PREJUDICED ON DIRECT APPEAL AND HABEAS CORPUS BEFOREHAND,

MORE PARTICULARLY, THE INSTANT PETITION ACTUALLY SUPPLEMENTS THE

SEPARATELY MAILED PETITION FORWARDED TO THE CLERK OF THIS COURT PURSUANT TO

THE JULY — 1997 AND AUGUST 14, 1997 ORDERS (M. BLALOCK)

THIS PETITION HAS BEEN VIOLENTLY OBSTRUCTED BY RESPONDENTS DELIBERATE LOWER COURT ORDERS AND RECORDS REMOVALS TO THE PRESENT TIME; RESPONDENT DANIEL E. LUNGREEN HAS BEEN SERVED WITH THESE LETTERS, ORDERS, PETITIONS AND LEGAL NOTICES BUT REFUSES TO PROVIDE REASONABLE, MEANINGFUL ACCESS TO THIS COURT TO FORCE FRAUDULENT PROCEDURAL AND SUBSTANTIVE DEFAULTS.

I HAVE BEEN STABBED, SHOT, BEATEN WHILE HANDCUFFED AND RECEIVED FIFTEEN (15) SWIFTCHE'S TO MY HEAD, ETC., JUST IN THE COURSE OF RESPONDENT'S IMMIGRATION TACTICS TO PRECLUDE MY FILING THIS PETITION. SEE FOR EXAMPLE C. 97-2622 FMS FILED 7-16-97 IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA AT SACRAMENTO, CALIFORNIA, AND SEE C. 97-2622 FMS FILED 7-16-97 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA BUT WHICH WAS IMMEDIATELY REASSIGNED A NEW NUMBER TO C 97-20665RMW BY THE QUIXOTIC "REASSIGNMENT ORDER DATED 7-30-97 AS SOON AS I FILED MOTIONS FOR TEMPORARY RESTRAINING AND/OR INJUNCTIVE RELIEF ORDERS, AND SEE PENDING USCA 9 TIME SCHEDULE ORDER FILED 9-15-97 IN NEW CASE NO. 97-16705 (CARTERGA v. DANIEL E. LUNGREEN, CALIFORNIA ATTORNEY GENERAL, PETE WILSON, GOVERNOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET SEQ., ET AL.) ALL EVIDENCING LACK OF AVAILABLE LEGAL REMEDY IN SPITE OF SERIOUS NATURE OF CIVIL, STATUTORY AND FEDERAL CONSTITUTIONAL VIOLATIONS REPORTED.

THE STATEMENT OF THE CASE IS THUS AMPLY SET FORTH AS ABOVE NOTED, AND IN THE PENDING U.S. SUPREME COURT IDENTICAL/RELATED PETITIONS ON DIRECT APPEAL AND HABEAS CORPUS NOS. 96-9196, 96-9197, 96-9329, 96-9309, 96-9328, 96-8146 REALEDGED HEREIN AND INCORPORATED IN FULL FOR ALL PURPOSES, RULES 12, 4, 20, 4(a), 13, 14, 44, 48, ET AL., U.S. SCT.

REASONS FOR GRANTING THE WRIT

The writ of Habeas Corpus and/or Certiorari should be granted because I, Petitioner, am an innocent person falsely, VINDICTIVELY IMPRISONED IN VIOLATION OF THE LAWS AND CONSTITUTION OF THE UNITED STATES and there is no other adequate remedy to GRANT GVR, RELEASE FROM WRONGFUL IMPRISONMENT AND/OR ALTERNATIVE RELEASE PENDING FURTHER APPEAL AS EVIDENCED BY "OPINIONS BELOW" AND APPENDICES HERETO AND THE WHOLE HEREOF. See also PRAYER to Related Pending Petitions. EXCEPTIONAL CIRCUMSTANCES. THE UNCONSTITUTIONAL VINDICTIVE, DOUBLE JEOPARDY, EX POST FACTO EXTRA-JURISDICTIONAL VOID OR VOIDABLE STATE COURT JUDGMENTS OF CONVICTION AND SENTENCING MUST BE VACATED, STRICKEN, REVERSED AS LAW AND JUSTICE REQUIRE.

~~MARZO AUGUST 17, 1997 A~~ A LORENZO ALVAREZ PRO SE

CONCLUSION

FOR THE FOREGOING REASON THE WRIT OF HABEAS CORPUS AND/OR CERTIORARI MUST ISSUE AND/OR RELEASE PENDING APPEAL WHERE NO OTHER REMEDY ACCORDING OR OTHERWISE IS AVAILABLE IN AND OF THIS COURT'S APPELLATE JURISDICTION TO ENFORCE THE LAWS AND CONSTITUTION OF THE U.S.
RESPECTFULLY SUBMITTED,
DATED; 8/17/97

Yours truly
LORENZO ALVAREZ
PRO SE

CASE NO. SD59401 (4-16-97)
CAGD NO. H016397

APPENDIX



Sixth Appellate District No. H016397
S059401

IN THE SUPREME COURT OF CALIFORNIA

LORENZO ARTEAGA, Petitioner

v.

SUPERIOR COURT SANTA CLARA COUNTY, Respondent
THE PEOPLE, Real Party In Interest

**SUPREME COURT
FILED**

APR 16 1997

Robert Wandruff Clerk
vp
DEPUTY

Petition for review DENIED.

I, Robert E. Wandruff, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court, as shown by the records of my office.

Witness my hand and the seal of the Court this

— day of AUG 29 1997 A.D. 19 —

By B. Norman
Deputy Clerk

George
Chief Justice

CASE NO. H016397 (2-20-97)
SUPER CT. No. 161396

APPENDIX

B

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

COPY

FILED

FEB 20 1997

Court of Appeal - Sixth App. Dist.

DEPUTY

LORENZO ARTEAGA,
Petitioner,

vs.

THE SUPERIOR COURT
OF SANTA CLARA COUNTY,
Respondent;

THE PEOPLE,
Real Party in Interest.

BY THE COURT

The petition for writ of mandate is denied.

(Elia, Acting P.J., Wunderlich, J., and Mihara, J., participated in this decision.)

Dated FEB 20 1997

ELIA, J. Acting P.J.

~~RECEIVED
MARCH 10 1997
CLERK OF THE COURT~~

U.S. SUPREME COURT CLERK'S
(M. BIALOCK) LETTERS/ORDERS
DATED C. JULY _____
AND AUGUST 14, 1997 RE:
ARTEAGA v. SUPERIOR COURT OF
SANTA CLARA COUNTY, CALIFORNIA
CC: DANIEL E. LUNGBREN
(CALIFORNIA ATTORNEY GENERAL)
JUDICIAL ADVISOR REQUESTED BY
D. LUNGBREN
FED. EVIDENCE, R-201, BY 5:00.

APPENDIX

C

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

WILLIAM K. SUTER
CLERK OF THE COURT

August 14, 1997

AREA CODE 202
479-3011

Lorenzo Arteaga
E-66703, A3-2061
P.O. Box 1030
Soledad, CA 93960

RE: Arteaga v. Superior Court of Santa Clara
County, California

Dear Mr. Arteaga:

The above-entitled petition for writ of certiorari was postmarked July 16, 1997 and received July 21, 1997. The papers are returned for the following reason(s):

The appendix to the petition does not contain the following documents required by Rule 14.1(i):

The lower court opinion(s) must be appended from the Sixth Appellate District in case No. H016397.

Please correct and resubmit as soon as possible. Unless the petition is received by this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

Handwritten copies of orders cannot be accepted.

Sincerely,
William K. Suter, Clerk
By:

M. Blalock
(202) 479-3023

Enclosures

cc: Daniel E. Lungren

VERIFICATION

(C.C.P. §§ 446, 2015.5; 28 U.S.C. § 1746)

I, Lorenzo Arteaga, declare under the penalty of perjury that:

I am the PETITIONER in the attached matter; I have read the foregoing document(s) and know the contents thereof; that the same is true of my own personal knowledge, or upon information and belief which I believe to be true; that if called to testify as to the contents thereof, I could do so competently as a sworn witness.

Executed this 27 day of August, 1997, at Salinas Valley State Prison, Soledad, CA 93960.

Lorenzo Arteaga
Declarant

RULE 29 CERTIFICATE OF MAILING AND
DECLARATION OF SERVICE BY MAIL

(C.C.P. §§ 1013(a), 2015.5; 28 U.S.C. § 1746)

I, Lorenzo Arteaga, declare: That I am a resident of Salinas Valley State Prison, Soledad, California; I am over the age of 18 years; I am a party to the above entitled action; My address is P.O. Box 1030, Soledad, California 93960-1030; I served the attached document(s) entitled:

(1) A PETITION FOR WRIT OF HABEAS CORWS OR PETITION FOR A WRIT OF CERTIORARI TO SUPERIOR COURT OF SANTA CLARA COUNTY, CALIFORNIA, et al.
PURSUANT TO HOLLOWAY v. LACK (1989) U.S. SCY

on the /parties specified below by placing a true copy of said document into a sealed envelope with the appropriate postage affixed thereto and placing said envelope(s) into the United States Mail in a deposit box provided for at the Salinas Valley State Prison, Soledad, California, addressed as follows:

DANIEL E. LUNDREN, Atty Gen. MICHAEL J. VERLY, Clerk
300 SO. SPRING ST. COURT OF APPEAL (CAAOE)
LOS ANGELES, CA 90013 333 W. SANTA CLARA ST., #1000
SAN JOSE, CA 95113 SAN JOSE, CA 95113
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
P.O. BOX 193939
121 SPEAR STREET
SAN FRANCISCO, CA 94119-3939

PETE WILSON, Governor
STATE CAPITOL
CAPITOL MALL
SACRAMENTO, CA 94244

SUPERIOR COURT OF CA
SANTA CLARA COUNTY
115 TERRANE STREET
SAN JOSE, CA 95113

RAY MENDOZA, D.A.
70 W. HEADING ST.
SAN JOSE, CA 95110

There is First Class mail delivery service by the United States Mail at the places so addressed /or regular communication by mail between the place of mailing and the addresses above. I declare under the penalty of perjury that the foregoing is true and correct and that I executed this service on this 27 day of August, 1997, at Salinas Valley State Prison, Soledad, California 93960-1030.

Lorenzo Arteaga
Declarant

DECLARATION IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, LORENZO ARTEAGA, ~~DO~~ ARE UNDER PENALTY OF PERJURY THAT I AM THE PETITIONER IN THE ACCOMPANYING PETITION FOR WRIT OF CERTIORARI, FOR HABEAS CORPUS AND OFFER THIS DECLARATION IN SUPPORT OF MY MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS, WITHOUT BEING REQUIRED TO PREPAY THE AMOUNT OF FEES, COSTS OR GIVE SECURITY THEREFOR. I STATE THAT BECAUSE OF MY POVERTY I AM UNABLE TO PAY THE COSTS OF THIS ACTION OR GIVE SECURITY, AND THAT I BELIEVE THAT I AM ENTITLED TO RELIEF.

IN SUPPORT OF THIS MOTION I PROVIDE THE FOLLOWING INFORMATION:

1. ARE YOU PRESENTLY EMPLOYED? ANS. NO. ✓
DATE LAST EMPLOYED: 10/18/88; APPROXIMATELY \$1,000+ PER MONTH.
2. HAVE YOU RECEIVED, WITHIN THE PAST TWELVE MONTHS, ANY MONEY OR INCOME FROM ANY OF THE FOLLOWING SOURCES?
a. Business, Profession or self-employment? ANS. NO. ✓
b. Income from stocks, bonds, or royalties? ANS. NO. ✓
c. Rent payments? ANS. NO. ✓
d. Pensions, annuities, or life insurance payments? ANS. NO. ✓
e. Social security or other government source? ANS. NO. ✓
3. Do you own or are you buying a home? ANS. NO. ✓
4. Do you own an automobile? ANS. NO. ✓
5. Do you have a bank account? ANS. NO. ✓
6. Do you have any other sources of income or money? ANS. NONE. ✓
7. LIST THE PERSONS WHO ARE DEPENDENT UPON YOU FOR SUPPORT AND INDICATE HOW MUCH YOU CONTRIBUTE TOWARD THEIR SUPPORT: ANS.
MY CHILDREN ARE DEPENDENT UPON ME FOR THE NECESSITIES OF LIFE BUT I AM NOT ABLE TO SUPPORT OR CONTRIBUTE TOWARD THEIR SUPPORT DUE TO THE UNCONSTITUTIONAL IMPRISONMENT AND CONDITIONS OF IMPRISONMENT RELATED IN MY PETITION. B.C.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED THIS 19th day of AUGUST, 1997 AT MONTEREY COUNTY,
SOLEDAD, CALIFORNIA.

LORENZO ARTEAGA, DECLARANT

NO. _____

RECEIVED

AUG 29 1997

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

RECEIVED

NOV 6 1997

OFFICE OF THE CLERK
SUPREME COURT, U.S.

LORENZO ARTEAGA - PETITIONER

- RESPONDENT(S)

VS.
SUPERIOR COURT OF SANTA CLARA COUNTY, CALIFORNIA.

- RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for a writ of certiorari/habeas corpus without prepayment of costs and to proceed in forma pauperis.

Petitioner has previously been granted leave to proceed in forma pauperis in the following courts:

USDC N CA, USDC E CA, USCA 9; THIS
HON. COURT nos. 94-9212, 96-9513, 96-9113,
96-9329, 96-9309, 96-9328, 96-9196,
96-9127; 97-5677, et al.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

DATED: AUG 5 17, 1997

Lorenzo Arteaga
LORENZO ARTEAGA, PRO SE

RECEIVED

NOV 14 1997

OFFICE OF THE CLERK
SUPREME COURT, U.S.

SUPERIOR COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

WILLIAM K. SUTER
CLERK OF THE COURT

November 17, 1997

AREA CODE 202
479-3011

Lorenzo Arteaga
E-66703, A3-2061
P.O. Box 1030
Soledad, CA 93960

RE: Arteaga v. Superior Ct. of Santa Clara

Dear Mr. Arteaga:

The above-entitled petition for a writ of certiorari was originally postmarked July 16, 1997 and received again on November 14, 1997. The papers are returned for the following reason(s):

As a corrected petition was not received within 60 days of the August 14, 1997 letter from this Office, the petition is out-of-time. Rule 14.5.

Sincerely,
William K. Suter, Clerk
By: 

M. Blalock
(202) 479-3023

APPENDIX

C

Enclosures

cc: Daniel E. Lungren

WLB
No.

97-6749

Supreme Court, U.S.
FILED

DEC 17 1997

CLERK

JAN 16 PAGE 9

ORIGINAL
IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

IN RE
LORENZO ARTEAGA - PETITIONER

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY
AT THE TIME OF FILMING. IF AND WHEN A
BETTER COPY CAN BE OBTAINED, A NEW FICHE
WILL BE ISSUED.

VS.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USCA9, et al.

THIRD

SECOND SUPPLEMENTAL TO
PETITION FOR WRIT OF HABEAS CORPUS

— UNITED STATES COURT ORDERS —
FILED DECEMBER 112, 1997

LORENZO ARTEAGA

4001 KING AVENUE / E-66703
P. O. BOX 8800

CORCORAN, CA 93212

RECEIVED

DEC 17 1997

OFFICE OF THE CLERK
SUPREME COURT, U.S.

22 pp

STATEMENT OF THE CASE

THE STATEMENT OF THE CASE IS SET FORTH IN THE SUPPLEMENTAL TO PETITION FOR WRIT OF HABEAS CORPUS DATED NOVEMBER 30, 1997 ON FILE WITH THIS HONORABLE COURT.

THE FOLLOWING APPENDICES WERE NOT AVAILABLE UNTIL DELIVERED LAST NIGHT (DECEMBER 8, 1997), TO-WIT:

INDEX TO APPENDICES

- APPENDIX A U.S. SUPREME COURT NO. 96-9513
LORENZO ARTEAGA v. CALIFORNIA (12/1/97)
- APPENDIX B U.S. SUPREME COURT NO. 97-5677
LORENZO ARTEAGA v. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (12/1/97)
- APPENDIX C U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA Nos. C-94-1575 FMS, C-94-3046 FMS, C-94-4466 FMS, C-95-0064 FMS
LORENZO ARTEAGA v. PETE WILSON, et al.
FILED 12/2/97
- APPENDIX D U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA No. CIV-S-97-1728 GEBGGHP
LORENZO ARTEAGA v. PETE WILSON, et al.
FILED 12/2/97
- APPENDIX E PETE WILSON AND CALIFORNIA DEPARTMENT OF CORRECTIONS CORRESPONDENCE DATED 11/6/97 (CAUSE AND CONTINUING PREJUDICE). F.R.A.P. R-47(a)(1), (a)(2), ...
- APPENDIX F SAME DATED 5/17/96
- APPENDIX G SAME DATED 8/28/95
- APPENDIX H PETITION FOR WRIT OF MANDAMUS/PROHIBITION AND HABEAS CORPUS FILED IN USDC N CA #C-94-1575 et al., ALSO FILED WITH A-314 PET. FOR REHEARING; PENDING RE USCA9 #s 96-16222, 96-16223 ON PET. FOR WRIT OF CERT.
- APPENDIX I NOTICE OF APPEAL (DIVE 12-461) C-94-1575 et al.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

December 1, 1997

Mr. Lorenzo Arteaga
E-66703, A3-2061
P.O. Box 1030
Soledad, CA 93960

Re: Lorenzo Arteaga
v. California
No. 96-9513

Dear Mr. Arteaga:

The Court today entered the following order in the above entitled case:

The motion of petitioner for reconsideration of the order denying leave to proceed in forma pauperis is denied.

Sincerely,
William K. Suter

William K. Suter, Clerk

FILED

DEC 2 1997

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

December 1, 1997

Mr. Lorenzo Arteaga
E-66703
P.O. Box 1030
Soledad, CA 93960

Re: Lorenzo Arteaga
v. United States Court of Appeals for the Ninth
Circuit
No. 97-5677

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for rehearing is denied.

Sincerely,
William K. Suter

William K. Suter, Clerk

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LORENZO ARTEAGA.

Plaintiff.

vs.

PETE WILSON, et al.,

Defendants.

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The Court has received plaintiff's "Petition for Writ of Mandamus/Prohibition and Habeas Corpus" filed November 6, 1997, plaintiff's "Motion to Reconsider or Alternative Motion to Vacate orders/Judgments of Dismissal," filed November 10, 1997, plaintiff's "Petition for Writ of Error Coram Nobis," filed November 18, 1997, and plaintiff's "Motion for Transcripts at Government Expense," filed November 20, 1997. These papers relate to four cases: C94-3046, C94-1575, C94-4466 and C95-0064. Those cases were dismissed with prejudice in October 1995, November 1995, and May 1996; appeals in each case have been

Nos. C 94-1575 FMS
C 94-3046 FMS
C 94-4466 FMS
C 95-0064 FMS

ORDER DENYING
PETITION FOR WRIT
OF MANDAMUS/
PROHIBITION AND
HABEAS CORPUS;
DENYING MOTION TO
RECONSIDER OR
ALTERNATIVE MOTION
TO VACATE ORDERS;
DENYING PETITION
FOR WRIT OF ERROR
CORAM NOBIS; AND
DENYING MOTION FOR
TRANSCRIPTS AT
GOVERNMENT EXPENSE

COPIES MAILED TO
PARTIES OF RECORD

1 Dismissed by the Ninth Circuit.

2 Plaintiff's November 6 Petition for Writ of Mandamus,
 3 which requests various forms of substantive relief, is DENIED as
 4 an improper attempt to litigate a closed case.

5 The Court DENIES plaintiff's November 20 motion for
 6 transcripts at government expense. An identical motion was
 7 denied on October 23, 1997. Plaintiff has not provided any new
 8 reason why those transcripts should be provided at government
 9 expense.

10 Finally, plaintiff has requested a writ of coram nobis.
 11 Because that writ was abolished and replaced by Federal Rule of
 12 Civil Procedure 60(b), the Court construes plaintiff's November
 13 18 petition as a motion under Rule 60(b). Plaintiff's motion
 14 describes difficulties he had obtaining litigation materials in
 15 prison in 1992. The Court does not believe those difficulties to
 16 be sufficient reason for relief from the judgment, as plaintiff
 17 was aware of those facts before the judgment issued. The motion
 18 is therefore DENIED. The Court also DENIES as frivolous
 19 plaintiff's November 10 Motion to reconsider or vacate the
 20 judgment's in each of his four cases. Plaintiff cites to his
 21 recent filings as evidence that the cases are not moot.
 22 Plaintiff, however, cannot reopen dismissed cases simply by
 23 filing new motions. Any further filings in these cases will
 24 therefore be stricken.

IT IS SO ORDERED

1551 ORIGINAL SIGNED
 25 FERN M. SMITH
 26 UNITED STATES DISTRICT JUDGE
 27 DATE DEC. 2, 1997

United States District Court
 for the
 Eastern District of California
 December 2, 1997

* * CERTIFICATE OF SERVICE * *

2:97-cv-01728

Arteaga

v.

Wilson

I, the undersigned, hereby certify that I am an employee in the Office of
 the Clerk, U.S. District Court, Eastern District of California.

That on December 2, 1997, I SERVED a true and correct copy(ies) of
 the attached, by placing said copy(ies) in a postage paid envelope
 addressed to the person(s) hereinafter listed, by depositing said
 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
 delivery receptacle located in the Clerk's office.

Lorenzo Arteaga
 E-66703
 CSP-4
 Corcoran State Prison
 PO Box 8800
 Corcoran, CA 93212

SF/GEB
 VC/GGH

US District Court
 Northern Districce
 PO Box 36060
 San Francisco CA 94102
 (court file, certified cy of docket sheet)

Jack L. Wagner, Clerk

BY: M. Kiley
 Deputy Clerk

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FILED

DEC 02 1997

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA

Plaintiff.

No. CIV S 97-1728 GEB GGH P

vs.

PETE WILSON, et.al.

Defendants.

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis. In light of 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to proceed in forma pauperis.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought." 28 U.S.C. § 1331(b).

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Venue of this action is technically appropriate in the Eastern District of California because the Governor of California, the Attorney General, and the Director of the California Department of Corrections reside in this district. Nevertheless, the court is transferring this action to the Northern District of California pursuant to 28 U.S.C. § 1404(a) in the interests of justice for the following reasons.

It is clear that plaintiff is suing Pete Wilson, Daniel Lunsden and Thomas Maddock solely in a respondent superior capacity. As such, these defendants are likely to be dismissed from this 42 U.S.C. § 1983 action. Eagle v. Stapley 607 F.2d 852, 862 (9th Cir. 1979). Venue would then be improper in this district because the remaining defendants reside in the Northern District of San Joaquin Valley State Prison. Venue would also be improper in the Eastern District because the claims for which plaintiff seeks relief took place in the Northern District. Thus, it is appropriate that these claims be litigated in that district.

IT IS THEREFORE ORDERED that:

1. This court has not ruled on plaintiff's request to proceed in forma pauperis, and
2. This action is transferred to the Northern District of California.

DATED November 26, 1997.

/S/ ORIGINAL SIGNED
GREGORY G HOLLOWAY
UNITED STATES MAGISTRATE JUDGE

GGS:jv:mg
Arteaga, 21c

DEPARTMENT OF CORRECTIONS
P.O. Box 942883
Sacramento, CA 94283-0001



November 6, 1997

Inmate Lorenzo Arteaga
 E-66703
 California State Prison Corcoran
 4001 King Avenue
 Corcoran, CA 93212

Dear Inmate Arteaga:

The Director has asked me to respond to your correspondence.

Your correspondence includes a complaint filed in federal court relative to an allegation of civil rights violation at the California State Prison Corcoran.

Please be assured that we are sensitive to your concerns; however, as you have chosen to file a lawsuit, these matters are no longer within the purview of the Department of Corrections. Therefore, you are advised to forward all correspondence in this matter to the Office of the Attorney General.

I hope this information is of assistance to you.

Sincerely,

RODNEY L. SANCHEZ
 Facility Captain (A)
 Institution Services Unit

DEPARTMENT OF CORRECTIONS

P.O. Box 942883
Sacramento, CA 94283-0001

May 17, 1996

Mr. Lorenzo Arteaga
 E66703 3B 106L
 California Correctional Institution, Level IV-B
 P.O. Box 1905
 Tehachapi, CA 93581

Dear Mr. Arteaga:

Your recent letters addressed to the Director of the California Department of Corrections (CDC) and the CDC Legal Processing Unit (LPU) have been referred to me for reply.

It is the responsibility of the LPU to bring to the attention of the court any irregularity in sentencing and/or the recording of a sentence on various commitment documents. In your case, your Abstract of Judgment indicated that Count 7 was sentenced consecutively as a one-third consecutive nonviolent crime. Penal Code (PC) Section 667.5(c) defines PC Section 288(a) as a violent felony; therefore, when completing the Abstract of Judgment the "one-third consecutive violent" box is the appropriate area on the Abstract of Judgment to be completed when imposing a one-third consecutive sentence on a violent offense.

The second issue you raised is your belief that you are serving a five-year consecutive term for the same case you served during 1990. This is not true. You were received by CDC on August 28, 1990 as a result of Santa Clara County Case Number 138120. On June 27, 1992 you were placed on parole status, but you were retained in custody as a result of your parole being revoked by the Board of Prison Terms for your refusal to sign parole conditions. You were released on parole on August 6, 1992 (when you were picked up on a warrant by Half Moon Bay Police Department).

You were subsequently received by CDC on March 28, 1994 as a result of a new term from Santa Clara County, Case Number 161396. This is the ten-year term you are currently serving. Your previous commitment (Santa Clara County Case Number 138120) was discharged when the maximum discharge date was reached. As you can see, you are now serving a separate term than that which you served beginning in 1990.

Your third issue relates to the amount of credit awarded on your term. According to the legal documents received you were awarded 476 actual days credit plus 238 days conduct credit for time served prior to sentencing. Penal Code Section 2900.5(d) states in part "It shall be the duty of the court imposing sentence to determine the date or dates of any admission to and release from custody prior to sentencing, and the total number of days to be credited pursuant to this section . . ." Therefore, if you believe that you are entitled to additional presentence credit you must write directly to the sentencing court.

I hope this information is of assistance to you. Any further questions you may have regarding your case should be directed to the Correctional Case Records Manager of your current institution. If an issue cannot be resolved to your satisfaction, you are encouraged to utilize the Inmate Appeal Process via CDC Form 602, as your administrative remedy.

Sincerely,

KRIS HUBBARD

Correctional Case Records Administrator



CCTW/B

6A-108L
Salisbury
Pete Wilson Governor

DEPARTMENT OF CORRECTIONS

Legal Processing Unit
O. Box 942883
Sacramento, CA 94283-0001
(916) 324-0848

August 28, 1995

Honorable Gregory H. Ward
Judge of the Superior Court
County of Santa Clara
115 Terraine Street
San Jose, CA 95110

Re: Arteaga, Lorenzo
CDC No.: E66703
Case No.: 161396
Date of Sentence: March 24, 1994

Dear Judge Ward:

A review of the documents delivered with the above-named inmate indicates the Abstract of Judgment may be in error, or incomplete, for the following reasons:

The Abstract of Judgment reflects Count 7, PC288(a), with a one-third consecutive non-violent box checked. As this is a violent offense, pursuant to PC667.5(c), we have recorded this offense as one-third consecutive violent. If this is not the Court's intent, please advise this office.

Please review your file to determine if a correction is required.

Sincerely,

DELORIS PASCHAL
Correctional Case Records Manager

By: KAREN L. HUFFMAN
Correctional Case Records Specialist

Attachment

cc: District Attorney
Public Defender/Defense Counsel
Inmate
C-File

4A ATTACHED
AS APPENDIX
F-1 TO
R13 STATED
RCV'D 1
10-6-97 2
U.S. SCT 3
MAILING BACK 4
U.S.A.
B16-U 5
SUB 6
11-23-97 7

LORENZO ARTEAGA
UNIT IV-B E 66703
P.O. BOX 1402-B 8800
Tehachapi, CA 93581
CORCORAN 93212

4 Pro se : Title 28 USCS section 1654

6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 LORENZO ARTEAGA,

9 PLAINTIFF/APPELLANT/PETITIONER

10 VS.

11 CALIFORNIA DEPARTMENT OF
CORRECTIONS; JAMES H. GOMEZ;
12 DANIEL VASQUEZ; A. HENRY; SGT.
ARMSTRONG; G.L. MILLER; C. EBALI;
13 S. SMITH; B. OSENDEGRA;
R.G. CLEVELAND; E. MONROE;
14 J. NORMAN; SGT. VALDERRA; R. BROWN.

15 DEFENDANT/S/APPELLEE/S/RESPONDENT/S

16 1. Petitioner is LORENZO ARTEAGA APPELLANT/PETITIONER ON WRIT OF CERTIORARI
17 WHOSE LEGAL RECORDS HAVE BEEN DELIBERATELY REMOVED/CONVERTED BY OVERT
18 ACTS OF ATTEMPTED MURDER, MAYHEM, BEATINGS, SPOLIUM AND SPOLIATION TO FORCE
19 PROCEDURAL AND SUBSTANTIVE DEFAULTS IN VIOLATION OF LAW; UNDER COLOR OF AUTHORITY;

20 2. The Real Party in interest ARE THE PEOPLE

22 3. Respondent is/are THOMAS MADDOCK, CURRENT DIRECTOR, CDC;

23 DANIEL E. LUNIGREN, ATTORNEY GENERAL OF CALIFORNIA, PETE WILSON, GOVERNOR;
GEORGE M. GALAZA, WARREN, CORCORAN STATE PRISON, SUCCESSORS/SUBORDINATES;

24 4. Respondent has a clear, present, and ministerial duty to abide by

25 and adhere to the exercise of sound discretion governed by legal rules to do

26 justice according to the law in conducting hearings, receiving evidence and to

27 issue rulings consistent with the law governing the subject matter of this petition.

COPY

FILED

NOV 6 1997 PM '97
R490 44. WICKER
U.S. DISTRICT CLERK'S OFFICE
AU-DIST CLERK

1 5. Respondent has failed and/or refused to exercise sound discretion
2 as follows:

2
3 a). On or about JULY 16, 1997 (SEE ATTACHED COMPLAINT (97-2622 FMS))
4 petitioner did present before respondent a motion entitled CIVIL RIGHTS
5 COMPLAINT ... DEMANDING, INTER ALIA, RETENTION AND ACCESS TO HIS LEGAL PROPERTY/RECORDS
6 b) On or about 7-29-97, 9-15-97 TO AND INCLUDING 11-3-97
7 respondent did deny petitioner's motion despite facts brought before the
8 court and the state of existing law both of which support granting petitioner's
9 motion;

10 6. Petitioner is a person beneficially interested in this petition
11 and petitioner, respondent and real party in interest are the parties who
12 will be affected by this petition;

13 7. Petitioner has no other adequate remedy in the ordinary course of
14 law other than by this petition in that there is no other procedure to require
15 respondent to use discretion governed by legal rules to do justice according
16 to the mandate of law and the constitution or to otherwise entitle petitioner
17 to enjoy the benefits sought through this petition;

18 8. Petitioner has performed all conditions precedent to the filing of
19 this petition by having first exhausted all available remedies;

20 9. At all times mentioned herein respondent has been able to adhere
21 to and follow the mandate of law which govern the within subject matter.

22 Notwithstanding such ability and despite petitioner's demands as stated herein,
23 respondent continues to fail or refuse to order relief petitioner seeks.

WHEREFORE, petitioner requests:

25 1. That the court issue an alternative writ of mandate commanding

26
27
MA -721
respondent TO INSTANTLY PROVIDE PETITIONER TO ACCESS AND INVENTORY OF ALL
OF HIS LEGAL AND PERSONAL PROPERTY AND RECORDS, COURT ORDERS, TRANSCRIPTS,
AND LEGAL MATERIALS WITHOUT MISDIRECTION, ARTIFICE OR SHAM AND TO ALLOW
HIM TO SELECT AND RETAIN SUCH LEGAL RECORDS AND MATERIALS HE HAD
IN HIS CELL FOR HIS PENDING DIRECT APPEAL BEFORE SUCH RECORDS
WERE REMOVED BY FRAUD ON MAY 22, 1997 AND TO CEASE AND
REFRAIN FROM FURTHER OVERT ACTS OF VIOLENCE, UNREASONABLE
INTERFERENCE/obSTRUCTION OF ACCESS TO THE COURTS, AND PROVIDE
IMMEDIATE UNRESTRICTED ACCESS TO THE COURTS, ACCESS TO AVAILABLE
PRISON LAW LIBRARY AND COPYING OF LEGAL DOCUMENTS FOR CORRESPONDENCE
WITH THE COURTS; AND ACCESS TO AVAILABLE TYPEWRITER TO ALLOW

COMPLIANCE WITH EXISTING RULES OF STATE AND FEDERAL COURT, INCLUDING
RULES 13, 14 AND 34, RULES OF THE SUPREME COURT, 28 USC § 1654; 1ST,
5TH, 6TH AND 14TH AMENDMENTS, U.S. CONSTITUTION;
or to show cause before this court, at a time specified by court order, why
he has not done so and why a peremptory writ should not issue;

2. That on return of the alternative writ of mandate and the hearing
on this petition, this court issue a peremptory writ of mandate commanding
RESPONDENT TO PROVIDE PRE-SE URGENT REASONABLE ACCESS TO THE
COURTS WITHOUT THREATS, VIOLENCE OR INTIMIDATION AND REPRISAL FOR
EXERCISING CONSTITUTIONALLY PROTECTED RIGHT TO REDRESS AND ACCESS COURTS
AND RELEASE FROM ILLEGAL UNCONSTITUTIONAL IMPOSITIONS;

3. FOR ALL COSTS AND DAMAGES AGAINST RESPONDENTS AND IN FAVOR

10 C F PENNINGER

11 4. For such other and further relief as the court deems just and proper.

Respectfully submitted,

13 Dated: NOVEMBER 4, 1997 In allegro 33
LORENZO ARTEAGA, Petitioner

LORENZO ARTEAGA, Petitioner

15 I have read the foregoing and know the contents therein and
16 the same is true and correct of my own personal knowledge.
17

18 If called upon I could and I would competently testify.

19 Executed this 4th day of NOVEMBER, 199?
CULVER CITY, CALIFORNIA
20 at Kern County, California. Zay Atchison 1531

22 AUTOMATES

FARETTA V CALIFORNIA (1975) — U.S. —
23 Supreme Court of the United States, 411 U.S. 244, 275, n. 29 (1994)

23 LAW & ORDER U.S.A. FILM PRODUCTS STUDIO 211, C.
24 TITLE 28 USC § 1654
25

24 PUB L 100-352, § 1, (C2 Stat 662 (1980))
25 BOS.E v. COLUMBIA 12 (Ed2d 894 (1964))

25 U.S. UNIFORM WEAR 340 U.S. 36, 39, (1950)
1242 1442 1444 1446 (P)

26 28 USC §§ 1331, 1332, 1343, 1443, 1446, 1746(c), 2201, 2204-2207,
27 2255, 1257(a)

1 LORENZO ARTEAGA
2 E-66703
3 4001 KING AVENUE
4 CORCORAN, CA 93212

5 PRO SE : 28 USC §1654

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 LORENZO ARTEAGA Plaintiff,
9 v.s.
10 PETE WILSON, CALIFORNIA
11 DEPARTMENT OF CORRECTIONS,
12 DANIEL E. LUNDREN, et al., Defendants.
13 USCA9 No. 92-15341 (6/11/92)
14 ALSO; U.S. SCt #A-314 [96-16222/(3)]
15 ALSO RELATED; CASES PREJUDICED
16 AND/OR EFFECTED;
17 U.S. SUPREME COURT NOS.;
18 96-9513, 96-9113, 97-6749,
19 97-5677, 96-9196, 96-9197,
20 96-9328, 96-9329, 96-9309,
21 AND PENDING 9th Cir. # 97-16705
22 TO ALL PARTIES OF RECORD:
23 NOTICE IS HEREBY GIVEN
24 THAT PLAINTIFF, LORENZO ARTEAGA
25 HEREBY APPEALS FROM THE ORDERS FILED INDIVIDUALLY, JOINTLY AND/OR
26 SEVERALLY IN THE ABOVE-ENTITLED AND NUMBERED CASES TO THE
27 UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT TO BE
28 CONSOLIDATED WITH PENDING USCA9 No. 97-16705 entitled:
LORENZO ARTEAGA v. DANIEL E. LUNDREN, et al. LODGED OR FILED
10/27/97 AND EQUALLY IMPEDED, HINDERED, IMPAIRED, DELAYED OR
OBSTRUCTED AS THESE HABEAS CORPUS ISSUES SINCE C 50-20326 RFP
(5/90), C-91-2534 RFP (2/91) AND USCA9 No 92-15341 (6/11/92), AND
SO APPEALS FROM THE 12/2/97 ORDERS AND FROM THE WHOLE THEREOF.

DATED: DECEMBER 8, 1997

/ss/ Lorenzo Arteaga
LORENZO ARTEAGA

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1996

IN RE
LORENZO ARTEAGA -PETITIONER

vs.
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USCA9, et al.

THIRD SUPPLEMENTAL TO
PETITION FOR WRIT OF HABEAS CORPUS
- NOTICE OF APPEAL DATED 10/2/97 -
NOT ADDRESSED OR PROCESSED BY USCA9
AND GOVERNOR PETE WILSON'S RESPONSE
LORENZO ARTEAGA

E-66703
4001 KING AVENUE / P.O. BOX 8800

CORCORAN, CA 93212

RECEIVED
DEC 17 1997
OFFICE OF THE CLERK
SUPREME COURT, U.S.

FILED

1 STATEMENT OF THE CASE

2 THE STATEMENT OF THE CASE IS SET FORTH IN THE
3 SUPPLEMENTAL TO PETITION FOR WRIT OF HABEAS CORVUS DATED
4 NOVEMBER 30, 1997 ON FILE WITH THIS HONORABLE COURT, AND IN
5 THE BRIEF MAILED 10/26/97 TO United States Court of Appeals For
6 the Ninth Circuit DOCKET No. 97-16705, entitled: LORENZO ARTEAGA
7 v. DANIEL E. LUNDREN, et al., which may or may not have
8 been filed, due to Respondents acts, misfeasance, under
9 color of Authority cited in Petition and Brief and in the
10 related Appendices.

11 The following APPENDICES support Petitioner's Petition for Writ
12 of Habeas Corpus containing intervening matter not avail-
13 at the previous APPENDICES , TD-WIT:

14 INDEX TO APPENDICES

15 APPENDIX A USCA9 No. 95-80113 , D.C. #CV-97-20665RMW
16 FILED NOV. 19, 1997 THE ONLY COPY PROVIDED HAS
17 BEEN MAILED TO THIS COURT C. 11-22-97 AS A
18 SEPARATE PETITION FOR WRIT OF CERTIORARI
19 JUDICIAL NOTICE OF ORIGINAL COPY IS REQUESTED
20 APPENDIX B NOTICE OF APPEAL DATED OCT. 2, 1997
21 APPENDIX C GOVERNOR PETE WILSON, OF CALIFORNIA
22 REPLY LETTER DATED NOVEMBER 24, 1997
23
24
25
26
27

UNITED STATES COURT OF APPEALS NOV 19 1997

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NO. 95-80113

DCA CV 97-20665-RMW
Northern California
(San Jose)

ORDER

In re LORENZO ARTEAGA
Respondent

Before: HUG, Chief Judge, PREGERSON and BEEZER, Circuit Judges

This court has reviewed the notice of appeal and accompanying documents filed October 1, 1997 in the above referenced district court docket pursuant to the pre-filing review order entered in this docket. Because this court lacks jurisdiction over the appeal, it shall not be permitted to proceed.

A certified copy of this order served on the district court shall act as and for the mandate of this court.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained in this closed docket.

PSMoCal 11/18/97/sg
2

1 LORENZO ARTEAGA
2 EGG703; 4B-IR-252
3 4001 KING AVENUE
4 CORCORAN, CA 93222
5 PRO SE

OFFICE OF THE CLERK
U.S. COURT
97 OCT-6 FILED
NOV - 3 1997
FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WICKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

6 LORENZO ARTEAGA,
7 PLAINTIFF
8 VS.
9 DANIEL E. LUNDREK, et al.,
10 Defendants.

11 NO. C-97-20665RMW (PR) AND D
12 ORIGINAL NO. C97-2622FMS (PR)
13 NOTICE OF APPEAL OF MISDIRECTION (1)
14 ORDERS FILED SEPTEMBER 23, 1997
15 AND RENEWED (SECOND) NOTICE OF
16 APPEAL OF MISDIRECTION "REASSIGNMENT"
17 ORDER "ENTERED IN COMPUTER 7-29-97"
18 DATED 7-30-97 TO THE USCA9 AND
19 NOTICE OF LIS PENDENS RELATED PROCEEDINGS
USCA9 NO. 96-16222, 96-16223, 96-97-16-205

NOTICE IS HEREBY GIVEN

20 THAT PLAINTIFF, LORENZO ARTEAGA, HEREBY APPEALS THE ORDERS
21 AND OPINIONS FILED SEPTEMBER 23, 1997, JULY 29 AND JULY 30, 1997, IN
22 THE ABOVE ENTITLED AND NUMBERED ORIGINAL AND "REASSIGNED" ACTION TO THE
23 UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT BASED
24 ON THE FACT THAT PLAINTIFF DID DULY AND TIMELY TO THE BEST
25 OF HIS ABILITY APPRISE THE COURT THAT DEFENDANTS WERE AND
CONTINUE TO OBSTRUCT, THWART, IMPEDE, HINDER, DELAY AND DELIBERATELY
PREJUDICE HIS CIVIL, STATUTORY AND CONSTITUTIONAL RIGHT OF ACCESS TO
THE COURTS OF THE UNITED STATES BY DELIBERATE FRAUD, DECEIT,
MISDIRECTION, ARTIFICE, SHAM, CONCEALMENT OF MATERIAL FACT, SPOVUM,
SPOVIATION, REFUSAL TO COPY OR MAIL HIS LEGAL DOCUMENTS OR MAIL HIS COURT
REQUIRED IN FORMA PAPERIS APPLICATION AND CERTIFICATE* AND/OR REFUSING
TO PROCESS SAID LEGAL DOCUMENTS OR TIMELY RETURN OR PROVIDE
THEM TO PLAINTIFF TO HAVE DELIBERATELY FORCED PROCEDURAL AND
SUBSTANTIVE DEFAULTS IN PENDING LITIGATION BY CONSPIRACY AND OVERT
ACTS IN EXTENSION OF CONSPIRACY IN THIS ACTION AND OTHERS, ALL

* AS OBTAINED INITIAL DEFAULTS IN USCA9 NOS. 95-15723, 95-15724 ARISING
OUT OF C.93-20240RMW, C.93-20745RMW, C.93-20134RMW BY SAME FRAUD
DELENT CONSPIRATORIAL ACTS AND MODUS OPERANDI, AND IN C.90-20326 RFP,
C.90-20257RFP, C.91-057RFP, C.92-2534RFP, C.91-2524, C.92-2524RFP, et seq., et al.,
AND USCA9 NOS. 96-15075, 95-15076, 96-16222, 96-16223

1 TO PLAINTIFF'S ACTUAL INJURY AND CONTINUING CONSTITUTIONAL
2 NO FEDERAL STATUTORY irreparable PREJUDICE AND INJURY, 28 USC
3 §1654; 1st, 4th, 5th, 6th, 8th, 13th, and 14th AMENDMENTS, U.S. CONSTITUTION;
4 INCLUDING OVERT ACTS OF ATTEMPTED MURDER, MAYHEM, AGGRAVATED ASSAULT
5 AND BATTERY, THREATS AND INTIMIDATION OF WITNESSES IN VIOLATION OF 18 USC
6 §31509, 1572, 1513, 1701, 1702, 1703, 241-242, 373, VIOLATION OF 42 USC
7 §§ 1986, 1985, 1985(2), 1985(3), 1983, BRETT v. KELMAN 773 F.2d 1026
8 1035 (9th Cir. 1985) (en banc) AND "PIPE FOR REVIEW" PORTMAN v. COUNTY OF SANTA CLARA
9 495 F.2d 892 (9th Cir. 1993), U.S. v. MISSINGWEAR 340 U.S. 36, 39 (1950), CHAPMAN v.
10 CALIFORNIA 171 F.2d 705 (1947); BOEVE v. CITY OF MOUNTAIN VIEW (4th Cir.)
11 U.S. 116 SCt+1657 (1996); ART. I, § 9, cl. 2, cl. 3, ART. I, § 30 ART III, ART. III, § 2, ART. VI,
12 U.S. CONSTITUTION PUBLIC LAW 100-352, § 7, 102 Stat 662 (1982) BORDEN & JUDICIAL
13 CIR. KY 352 F.2d 443 (1973). LINCH v. MURPHY 117 SCt 2059 (1997), LANDON v. US, 244 U.S. 275,
n. 29

14 PLAINTIFF HAS BEEN UNABLE TO COMPLY WITH THE ORDERS OF THIS OR
15 OTHER COURTS BECAUSE DEFENDANTS HAVE DELIBERATELY REMOVED HIS LEGAL
16 LIS PENDENS RECORDS HE NEEDED TO COMPLY WITH RULES OF COURT AND/OR COURTS
17 ORDERS AND REFUSED TO RETURN HIS NECESSARY LEGAL RECORDS DESPITE
18 NUMEROUS VERBAL AND WRITTEN DEMANDS THEREFOR, ALL IN VIOLATION OF THE CIVIL
19 AND CONSTITUTION OF THE UN. UN. STATES, AS MORE FULLY RELATED AND/OR
20 EVIDENCED BY THE FOLLOWING PENDING/LITIGATED UNITED STATES SUPREME
21 COURT DOCKETS ON DIRECT APPEAL (INCLUDING HABEAS CORPUS) (RULES 12.4 AND 20.4(c))
22 INCORPORATED HEREIN IN FULL/JUDICIAL NOTICE, T C W I T :

23 1. LORENZO ARTEAGA v. USCA9
24 NO. 97-5677
25 2. LORENZO ARTEAGA v. CALIFORNIA
NO. 96-9513
3. LORENZO ARTEAGA v. USCA9
NO. 96-9113
4. LORENZO ARTEAGA v. CALIFORNIA
NO. 96-9328
5. LORENZO ARTEAGA v. CALIFORNIA
NO. 96-9329
6. LORENZO ARTEAGA v. CALIFORNIA
NO. 96-9309
7. LORENZO ARTEAGA v. SANTA CLARA
NO. 96-9196

8. LORENZO ARTEAGA v. CALIFORNIA
NO. 96-9147
9. LORENZO ARTEAGA v. USCA9
NO. 96-8700
10. LORENZO ARTEAGA v. DEN HILL, WARDEN
NO. 96-8141
11. LORENZO ARTEAGA v. CALIFORNIA (C1406)
NO. 96-8146
12. LORENZO ARTEAGA v. SUPERIOR COURT OF
NO. 96-
[CASE NO. 5059401] (4-11-98)
13. LORENZO ARTEAGA v. DAUBER, LUNDREN, et al.
NO. 96-
[USCA9 NO. 96-16222, 96-16223]

14. LORENZO ARTEAGA v. SUPERIOR COURT OF
NO. 96-8288 AND 96-8289
MOREOVER, THE FACTS RELATED BY THE COURT ARE AGAIN PATENTLY
FALSE OR UNTRUE AND ARE AGAIN INTENDED TO DISTORT OR TO CORRUPT THE
PROCESSES OF LAW AND CAUSE FURTHER ACTUAL INJURY AND irreparable CONSTITUTIONAL
INJURIES ABOVE REFERENCED, SEE ALSO USCA9 NO. 97-16705 FILED SEPT. 15, 1997
15. CONSOLIDATION IS APPROPRIATE,
16. DATED: OCTOBER 2nd 1997
17. /s/s/ You Are

X AND USCA9 NOS. 95-15723, 95-15724, 9-2013, LORENZO ARTEAGA
95-15076, 95-15075, 95-15411 OBTAINED BY SIMILAR FRAUDULENT MISDIRECTION/MISINFORMATION
DEFAULTS OBTAINED BY SAME MODUS OPERANDI

DEPARTMENT OF CORRECTIONS

P. O. Box 942883

Sacramento, CA 94283-0001



November 24, 1997

Inmate Lorenzo Arteaga
E-66703
California State Prison, Corcoran
P. O. Box 3476
Corcoran, CA 93212-3476

Dear Inmate Arteaga:

The Governor has asked that I respond to your recent correspondence which you submitted as a notice of "Appellant's Informal Brief." It is not quite clear as to your intent for such notice; however, you convey a case number (97-16705) allegedly filed in the Ninth Circuit United States Court of Appeals.

As stated above relative to the questionable clarity of your intent, I am forwarding your letter to our Legal Affairs Division for their review and information.

I hope this information is of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Dakin".

RICK DAKIN
Facility Captain (A)
Institution Services Unit

cc: Pam Smith-Steward, LAD
George Galaza, COR
Randy Comfort, COR

W/LB
No.

97-6749

Supreme Court, U.S.

FILED

DEC 19 1997

CLERK

JAN 16 PAGE 9

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

IN RE
LORENZO ARTEAGA —PETITIONER

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY
AT THE TIME OF FILMING. IF AND WHEN A
BETTER COPY CAN BE OBTAINED, A NEW FICHE
WILL BE ISSUED.

vs.
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT —RESPONDENT(S)

RECEIVED

DEC 19 1997

OFFICE OF THE CLERK,
SUPREME COURT, U.S.

ON PETITION FOR A WRIT OF CERTIORARI TO

USCA9

REPLY BRIEF TO GOVERNOR PETE WILSON'S RESPONSE
DATED NOVEMBER 24, 1997

LORENZO ARTEAGA

4001 KING AVENUE / E-66703
P.O. BOX 2800

CORCORAN, CA 93212

56

QUESTION(S) PRESENTED

ARE THE FEDERAL STATUTORY AND FEDERAL CONSTITUTIONAL QUESTIONS AND ISSUES RAISED IN PORTMAN v. COUNTY OF SANTA CLARA 995 F_{2d} 898 (9th Cir. 1993) NOW RIPE FOR REVIEW WHERE PETITIONER, UNLIKE PORTMAN, DOES HAVE STANDING ON DIRECT APPEAL AND DOES RAISE THE SAME ISSUES; INCLUDING DOCUMENTED CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO THREATEN AND INTIMIDATE WITNESSES, TO DENY REASONABLE ACCESS TO THE COURTS OF THE UNITED STATES AND TOTAL LACK OF AVAILABLE REMEDY IN THIS CIRCUIT TO PROTECT CLEARLY ESTABLISHED CIVIL, STATUTORY AND CONSTITUTIONAL RIGHTS SINCE AT LEAST AUGUST 31, 1982?

ARE THE FEDERAL CIRUIT CONFLICTS PRESENTED BY PORTMAN v. COUNTY OF SANTA CLARA 995 F_{2d} 898 (9th Cir. 1993) NOW RIPE FOR RESOLUTION BY THE COURT?

IS PETITIONER ENTITLED TO HAVE THE JUNE 11, 1992, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ORDER No. 92-15341, D.C. # CV-91-2534RFP AND/OR PROCEEDING REINSTATED, TO GVR, TO RELEASE ON HIS OWN RECOGNIZANCE WHERE THE DISMISSAL FOR FAILURE TO PROSECUTE SAID APPEAL WAS DELIBERATELY CAUSED BY RESPONDENTS IN CONSPIRACY AND IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW UNDER COLOR OF AUTHORITY? BRETZ v. KELMAN 773 F_{2d} 1026, 1035 (9th Cir. 1985) (*en banc*); LOGAN v. ZIMMERMAN 711 F_{2d} 265 (1982).

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

PETE WILSON
DANIEL E. LUNDGREN
J. CLIFFORD WALLACE
PETER L. SHAW
RONALD M. WHYTE
JAMES WARE
GREGORY H. WARD
ROBERT FOLEY
CHRISTOPHER C. COTTE
RONALD LISK
PROCTER R. HUE
JOHN T. NDONAN
THOMAS MADDOCK
MALCOLM LUCAS
FERN M. SMITH
GREGORY G. HOLLOWS

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REASONS FOR GRANTING THE WRIT	<u>10</u>
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APPENDIX B CT 1978 NO. 161396 (3-24-94)

APPENDIX C CT 1957 NO. 161396 (3-16-94)

APPENDIX D CT 1924-1928A (3-9-94) ATTORNEY GENERAL'S MOTION TO QUASH SUBPOENA AND TO SUPPRESS EVIDENCE

APPENDIX E CT 1257 NO. 161396 (6-4-93)

APPENDIX F U.S. SCT NO. 96-9196 (10-6-97) PET. FOR CERT. DEN.
 G " " NO. 96-9197 (10-6-97) " " "
 H " " NO. 96-9328 " " "
 I " " NO. 96-9329 " " "
 J " " NO. 96-9309 " " "
 K " " NO. 96-8700 (6/16/97) " " "
 L " " NO. 96-8141 (5/12/97) " " "
 M " " NO. 96-8146 (5/12/97) " " "
 N " " NO. 97-5677 (10-20-97) " " "
 O " " NO. 96-9113 (10-6-97) " " "

APPENDIX P NOTICE OF APPEAL NO. J098982, J098981, J099581
 DATED 9-18-96

APPENDIX Q U.S. SCT CLERK'S 8-14-97 RE CASE NO. S059401,
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APPENDIX S ORIGINAL COMPLAINT NO. C-84-47195 FILED 4/30/84

APPENDIX T INFORMATION NO. 125303 FILED 11-22-88
 (REFILED AGAIN 4 YEARS LATER)

APPENDIX U VERDICT NO. 138120 FILED 7-24-90
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APPENDIX V EX PARTE TAMPERING WITH LEGAL RECORD ON 7-5-90 BY DA NOT DISCOVERED UNTIL 8-20-96; LTR SADAP DATED 8/20/96

APPENDIX W CASE NO. S020235 FILED 8-12-92

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below

OPINIONS BELOW

For cases from federal courts

The opinion of the United States court of appeals appears at Appendix A to the PETITION FILED ON MAY 20, 1997 [57-1] [95-80113], and at Appendix A, B and C to the petition filed on AUGUST 25, 1997 and placed on the docket NOVEMBER 14, 1997 as a petition for a writ of habeas corpus, docketed as LORENZO ARTEAGA, Petitioner v. UNITED STATES.

COURT OF APPEALS FOR THE NINTH CIRCUIT, No. 97-6749:

All USCA9 opinions — except the opinion at Appendix C [USCA9 Nos. 96-16222, 96-16223, 95-15075, 95-15076] Attached to the habeas corpus petition filed AUGUST 25, 1997, supra, relate back to an unconstitutional self-styled OSC case number assigned #95-80113 [1] filed 3/28/95 [2] [95-80113] by Appellate Commissioner PETER L. SHAW. The resultant proceedings were irreparably tainted and prejudiced as founded upon a distorted and corrupted OSC which sought to suppress and conceal material facts by listing case docket numbers ONLY but failing and refusing to provide a true copy of the underlying order(s), decisions and/or judgments necessary for the purposes of adequate notice and service of process; especially concealing and suppressing habeas corpus proceeding and orders No. 92-15341 filed June 11, 1992, et seq., D.C. # CV-91-2534-RFP, to the present time (which proceeding required immediate reversal under Ninth Circuit precedent).

Former Chief Judge J. CLIFFORD WALLACE incorporated the OSC's Federal Statutory (28 USC §1654) and Constitutional deficiencies and issued a "PRE-FILING REVIEW ORDER" in violation of the Federal Rules of Appellate Procedure Rule 47(a)(1), 47(a)(2), and which was wholly inapplicable to the facts of the instant case which was then, and still is, on direct appeal; PRE-FILING REVIEW order filed MAY 5, 1995 [5-1] [USCA9 #95-80113] in violation of LANDGRAF v. USI FILM PRODUCTS 511 U.S. 244, 275, n. 29 (1994), LINDH v. MURPHY 117 SGT 2059 (1997), BREITZ v. KELMAN 773 Fed 1026, 1035 (9th Cir. 1985), LOGAN v. ZIMMERMAN BRUSH CO. 71 LED 2d 265 (1982) IZARRY v. VASQUEZ - F2d - (9th Cir. 1990). Current Chief Judge PROCTER R. HUG and Circuit Judge JOHN T. NOONAN concurred in the MAY 5, 1995 order.

JURISDICTION

For cases from federal courts

The date on which the United States Court of Appeals decided my case was APRIL 24, 1997 [47-1], FEBRUARY 21, 1997 [41-1], JANUARY 9, 1997 [36-1] 7/17/97 [59], 8/1/97 [60], 8/28/97 [65] AND MOST RECENTLY 11/19/97 []

ALL DECISIONS ADMITTEDLY RELATED BACK TO USCA9 Case Number assigned 95-80113 [1-1] filed 3/28/95 based upon Appellate Commissioner PETER L. SHAW's Self-styled OSC filed 3/28/95 [2] which issued immediately in vindictive retaliation for petitioner's APPLICATION No. A-705, to this Honorable Supreme Court allowing petitioner's first-ever Petition for writ of Certiorari filed c. 2/21/95 docketed as U.S. Supreme Court No. 94-9212.

All further USCA9 proceedings were irreparably tainted and unconstitutionally prejudiced as founded upon a distorted and corrupted OSC which issued to suppress and to conceal material facts, especially USCA9 habeas corpus proceeding No. 92-15341, D.C. # CV-91-2534-RFP AND ORDER filed June 11, 1992, and so resulted in the following additionally (and admittedly) distorted decisions in my case:

"PRE-FILING REVIEW ORDER" in violation of F.R.A.P. rules 47(a)(1), 47(a)(2), Filed on MAY 5, 1995 [5] in violation of Public Law 100-352, §7, 102 STAT 662 (1988); ART. I, §9, cl. 2, cl. 3, ART. III, ART. II, §2, ART. III, §2, and a violation of 1st, 4th, 5th, 6th, 8th and 14th Amendments, U.S. CONSTITUTION; 28 USC §§ 1654, 1332, 1343, 1443, 2241-2254, 2255 et al., LANDGRAF v. USI FILM PRODUCTS 511 U.S. 244, 275, n. 29 (1994), LINDH v. MURPHY 117 SGT 2059 (1997), BREITZ v. KELMAN 773 Fed 1026, 1035 (9th Cir. 1985) (en banc), LOGAN v. ZIMMERMAN 71 LED 2d 265 (1982) AND UNCONSTITUTIONAL DECISIONS BASED THEREON; TO WIT:

6/29/95 [7]	7/20/95 [10]	9/22/95 [15]	9/22/95 [16] DOCKET ENTRIES
12/8/95 [18]	2/9/96 [22]	2/9/96 [23]	3/14/96 [26] AS OF 9/12/97 IN USCA9
7/12/96 [30]	1/9/97 [36]	2/21/97 [41]	4/24/97 [47] NO
7/17/97 [59]	8/1/97 [60]	8/28/97 [65]	11/9/97 [] 95-80113

A separate petition has been submitted as to the 11/9/97 [] USCA9 ORDER* and mandate which issued instanter and continues to unconstitutionally impair and prejudice all pending proceedings before this Honorable Court.

For example; 4/24/97 [47], 2/21/97 [41], 7/17/97 [59] and HABEAS CORPUS ORDER 8/1/97 [60] all impaired and unconstitutionally prejudiced U.S. Supreme Court Petition No. 96-9513 and the whole thereof, including overt acts precluding compliance with this Court's specific 10/6/97 ORDERS and resultant CONSTITUTIONAL INJURY for Petitioner's NON-WILLFUL FAILURE to comply on 10/27/97 to date and to U.S. No. 97-5677 (DENIED 10/20/97) and No. 96-9113 Filed 5/22/97, DENIED 10/6/97, and A-314 DENIED 10/30/97 (ARTEAGA v. WILSON, Gov. CALIFORNIA, USCA9 Nos. 96-16222 and 96-16223 and CALIFORNIA SGT No. SD59401, NOT FILED: (10/28/97), et al.

MOREOVER, USCA9 Nos. 96-16222 and 96-16223 ARISING ON DIRECT APPEAL OUT OF USDC N CA Nos. CV-94-1575-FMS: LORENZO ARTEAGA v. CALIFORNIA DEPARTMENT OF CORRECTIONS, et al. AND CV-94-3046: LORENZO ARTEAGA v. PETE WILSON PRE-DATE UNCONSTITUTIONALLY DISTORTED USCA9 DOCKET ENTRIES AND ORDERS Nos. 95-80113; AND USDC N CA No. CV-97-20665-RMW AND CV-97-26222-FMS AND CIU-S-97-1728-CEB-GGH ARE ACTUALLY THE SUBJECT OF COMPLAINT(S) AND APPLICATION NO. A-314; LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA, DENIED 10/30/97 (Rule 22.4) AND A PETITION FOR REHEARING IS PENDING AS WELL AS THE SEPARATELY SUBMITTED PETITION FOR WRIT OF CERTIORARI (11/23/97) AND RELATED PETITIONS FOR REHEARING IN U.S. SUPREME COURT Nos. 96-9513, 97-5677, 96-9113 BASED UPON 28 USC §1254(1) JURISDICTION AND SUPREME COURT NOS. 96-9196, 96-9197, 96-9328, 96-9329, 96-9309 BASED UPON 28 USC §1257(a) JURISDICTION: ALL MULTINICITY OF ACTIONS CAUSED BY UNCONSTITUTIONAL 3/28/95 OSC AND 5/5/95 et seq. USCA9 ORDERS WHICH CONTINUE TO IRREPARABLY IMPAIR, HINDER, DELAY, IMPEDE, OBSTRUCT AND PREJUDICE ALL PAST AND PRESENT AND PENDING LITIGATION BEFORE THIS HONORABLE COURT ON DIRECT APPEAL AND FEDERAL AND STATE HABEAS CORPUS IN VIOLATION OF THE PRESUMPTION AGAINST STATUTORY RETROACTIVITY (LANDGRAF, LINDH, et al.) AND VIOLATION OF THE LAWS AND CONSTITUTION OF THE UNITED STATES, F.R.A.P. R-47(a)(1), (a)(2), et al.

This BRIEF is intended to comply with the Court's 10/6/97 ORDER and is so respectfully submitted; alternatively under Rules 15, 6, 17, 18, 10 and/or 25, 5, 5 in conjunction with 97-6749 (CHASES) AND/OR 97-5677, 96-9328, 96-9196, 96-9197, 96-9329, 96-9309 AS SAID APPENDICES ARE AT ISSUE HEREIN.

The jurisdiction of this Court is invoked under 28 USC §1254(1) and/or ORIGINAL JURISDICTION under ART. III of the CONSTITUTION OF THE UNITED STATES.

* ALSO A SEPARATE PETITION HAS BEEN SUBMITTED AS TO THE USCA9 TIME SCHEDULE ORDER FILED 9/15/97 (FOR WRIT OF CERTIORARI) TO PRECLUDE IT FROM EVADING REVIEW.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATEMENT OF THE CASE

GARLOTTE v. FORDICE 115 Sct 1942, 115LF.1, d 876, 878 (1995)

UNITED STATES v. TAYLOR 648 F.2d 565 (9th Cir. 1981)

PORTMAN v. COUNTY OF SANTA CLARA 995 F.2d 898 (9th Cir. 1993)

BREITZ v KELMAN 773 F.2d 1026, 1035 (5th Cir. 1985) (en banc)

BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY 93 Sct 1123 (1973)

THE STATEMENT OF THE CASE IS CONTAINED IN MY PENDING PETITION FOR WRIT OF HABEAS CORPUS FILED AUGUST 25, 1996 AND DOCKETED ON NOVEMBER 14, 1997 AS LORENZO ARTEAGA v. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, No. 97-6749; AND IN MY "DECLARATION OF LORENZO ARTEAGA" DATED NOVEMBER 11, 1997, ESSENTIALLY AS FOLLOWS.

ON SUNDAY OCTOBER 26, 1997 I WAS ABLE TO FILE ONLY MY ORIGINAL APPELLANT'S/PETITIONER'S OPENING BRIEF OTHERWISE IN COMPLIANCE WITH THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (USCA9) ACTION NO. 97-16705: LORENZO ARTEAGA, PLAINTIFF-APPELLANT vs. DANIEL E. LUNDGREN, et al., TIME SCHEDULE ORDER FILED ON SEPTEMBER 15, 1997 (APPENDIX A)* BUT I WAS NOT PERMITTED TO COMPLY WITH THE UNITED STATES SUPREME COURT ORDERS ENTERED ON OCTOBER 6, 1997 IN DOCKET NO. 96-9513: LORENZO ARTEAGA v. CALIFORNIA (APPENDIX B)* FOR THE REASONS STATED IN MY BRIEF IN USCA9 No. 97-16705 AND IN PETITIONS FOR RECONSIDERATION IN UNITED STATES SUPREME COURT No. 96-9513 AND 97-5677 (DIRECT APPEAL AND HABEAS CORPUS) AND APPLICATION NO. A-314: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA (THWARTED USCA9 NOS. 96-16222 AND 96-16223 RENUMBERED FROM 95-15075 AND 95-15076 TO DISTORT AND TO CORRUPT THE PROCESS OF LAW OUT OF UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA D.C. NOS. C-94-1575-FMS AND C-94-3046-FMS (USDC N CA) CONSOLIDATED FEBRUARY-MARCH 1995).

WITH FULL KNOWLEDGE OF THE FOREGOING PROCEEDINGS AND EXISTING U.S. COURT ORDERS AND IN DELIBERATE CONTEMPT OF SAID U.S. COURT ORDERS, DEFENDANTS AND RESPONDENTS PETE WILSON, DANIEL E. LUNDGREN, THOMAS MADDOCK, GARY LINDSEY, GEORGE M. GALAZA, INDIVIDUALLY

* TO THE SEPARATELY FILED/SUBMITTED PETITION FOR WRIT OF CERTIORARI

SAME AS IN PETITION

1 AND IN THEIR OFFICIAL CAPACITIES DID CONSPIRE TO REMOVE AND WITHHOLD ALL
2 OF MY PENDING LOWER COURT ORDERS AND RECORDS AND STATIONERY AND TO
3 DENY ME ACCESS TO THE PRISON LAW LIBRARY AND THEN PROCEEDED TO
4 EFFECT THE OBJECT OF THEIR CONSPIRACY BY TRANSFERRING ME FROM
5 SALINAS VALLEY STATE PRISON TO CORCORAN STATE PRISON WHERE THEY
6 REFUSED AND FAILED TO THE PRESENT TIME^{TO} RETURN MY LEGAL RECORDS AND
7 REFUSED TO PERMIT ME STATIONERY OR LAW LIBRARY ACCESS. SEE
8 USDC N CA Nos. C-97-2622-FMS (FILED 7/16/97) REASSIGNED AND
9 TRANSFERRED TO C-97-20665-RMW BY A "REASSIGNMENT ORDER"
10 entered in the computer 7/29/97 THE DAY BEFORE THE ORDER WAS
11 DATED 7-30-97; AND ON 9/12/97 A RELATED 42 USC §1983 WAS FILED
12 IN USDC E CA (SACRAMENTO) DOCKETED AS NO. CIV-S-97-1728 GEB GGH
13 WHICH ON DECEMBER 2, 1997 TRANSFERRED SAID ACTION: LORENZO ARTEAGA
14 v. DANIEL E. LUNDREN, et al., BACK TO THE UNITED STATES DISTRICT
15 COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA EVEN THOUGH THE
16 EASTERN DISTRICT SACRAMENTO COURT ADMITTED THAT "VENUE OF THIS
17 ACTION IS TECHNICALLY APPROPRIATE IN THE EASTERN DISTRICT OF CALIFORNIA
18 BECAUSE THE GOVERNOR OF CALIFORNIA, THE ATTORNEY GENERAL, AND THE
19 DIRECTOR OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS RESIDE IN THIS
20 DISTRICT." [8-1] [CIV-S-97-1728 GEB GGH P].

21 ON THE SAME DAY, DECEMBER 2, 1997 THE UNITED STATES DISTRICT
22 COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA IN PENDING CASES SINCE
23 LORENZO ARTEAGA v. CALIFORNIA DEPARTMENT OF CORRECTIONS (FILED 5/5/94)
24 No. C-94-1575FMS, LORENZO ARTEAGA v. PETE WILSON (FILED 8/26/94)
25 AND RELATED Nos. C-94-4466-FMS AND C-95-64-FMS (FILED NOV. 94 -
JAN. '95) FILED AND SERVED ALL PARTIES OF RECORD WITH AN ORDER
26 ENTITLED: ORDER DENYING PETITION FOR WRIT OF MANDAMUS/PROHIBITION
AND HABEAS CORPUS; DENYING MOTION TO RECONSIDER OR
ALTERNATIVE MOTION TO VACATE ORDERS; DENYING PETITION FOR
WRIT OF ERROR CORAM NOBIS; AND DENYING MOTION FOR
TRANSCRIPTS AT GOVERNMENT EXPENSE

1 THE USDC E CA FORGOT TO MENTION THAT VENUE OF THIS ACTION
2 IS NOT ONLY TECHNICALLY APPROPRIATE IN THE EASTERN DISTRICT OF CALIFORNIA
3 BECAUSE THE GOVERNOR OF CALIFORNIA, THE ATTORNEY GENERAL, AND THE
4 DIRECTOR OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS RESIDE IN THIS
5 DISTRICT BUT ALSO BECAUSE THE COMPLAINT REGARDING THESE SAME
6 DEFENDANTS, PETE WILSON, DANIEL E. LUNDREN AND THOMAS MADDOCK
7 WAS FILED ON MAY 30, 1996 [1-1] [#96-CV-5670] ENTITLED:
8 LORENZO ARTEAGA v. DANIEL E. LUNDREN, et al. ORIGINALLY DOCKETED
9 IN THE SAME EASTERN DISTRICT AT SACRAMENTO, CALIFORNIA AS NO.
10 CIV-96-1047 DFL JFM P. DOCKET ENTRY NUMBER 2, ON JUNE 24,
11 1996 (EVIDENCED AS OF THE DOCKET ON APPEAL TO THE USCA9 OF
12 SEPTEMBER 4, 1997 2:35 PM), TO-WIT:
13 ORDER BY MAGISTRATE JUDGE JOHN F. MOULDS: THIS COURT
14 HAS NOT RULED ON PLTF'S REQUEST TO PROCEED IN FORMA
15 PAUPERIS IN 2:96-CV-1047 DFL JFM P; TRANSFERRING
16 CASE TO THE FRESNO DIVISION; CASE REASSIGNED TO
17 JUDGE OLIVER W. WANGER; CASE REFERRED TO MAGISTRATE
18 JUDGE DENNIS L. BECK (CC: ALL COUNSEL) (VC)
[2-1] [#96-CV-5670]
19 AND FAMILIAR DOCKET ENTRIES:
20 6/26/96 4 MOTION FOR WRIT OF MANDATE/PROHIBITION BY PLA ARTEAGA (dg)
[ENTRY DATE 07/05/96]
21 7/15/96 5 ORDER BY MAGISTRATE BECK DISMISSING THE COMPLAINT [1-1]
CASE Mgmt dcl set for 8/15/96 TO FILE AN AMENDED COMPLAINT
AND NEW APPLICATION TO PROCEED IN FORMA PAUPERIS (CC: ALL COUNSEL) (ch)
22 8/19/96 6 AMENDED COMPLAINT BY PLAINTIFF LORENZO ARTEAGA; JURY DEMAND
(ch) [ENTRY DATE 08/20/96]
23 11/1/96 11 MOTION TO COMPEL PRODUCTION OF DESIGNATED TRIAL COURT EXHIBITS
BY PLAINTIFF LORENZO ARTEAGA [Entry date 11/04/96]
24 11/1/96 12 DECLARATION OF LORENZO ARTEAGA IN SUPPORT OF MOTION TO COMPEL
[11-1] (Fg) [Entry date 11/05/96]
25 12/2/96 13 ORDER BY MAGISTRATE JUDGE HOLLIS B. BEST STRIKING MOTION TO
COMPEL PRODUCTION OF DESIGNATED TRIAL COURT EXHIBITS BY PLAINTIFF
LORENZO ARTEAGA [11-1] STRIKING DECLARATION [12-1]
(CC: ALL COUNSEL) (Fg) [ENTRY DATE 12/03/96]

1 12/16/96 14 REQUEST BY PLAINTIFF LORENZO ARTEAGA FOR REHEARING OF ORDER STRIKING MOTION TO COMPEL PRODUCTION OF DESIGNATED TRIAL COURT EXHIBITS BY PLAINTIFF LORENZO ARTEAGA [11-1] AND DECLARATION (f9) [ENTRY DATE 12/18/96]

2 1/21/97 15 FINDINGS AND RECOMMENDATIONS BY MAGISTRATE JUDGE DENNIS L. BECK RECOMMENDING THAT ACTION BE DISMISSED CASE Mgmt Dcl SET FOR 2/21/97 TO FILE OBJECTIONS (cc: ALL COUNSEL) (f9)

3 2/6/97 16 OBJECTIONS BY PLAINTIFF LORENZO ARTEAGA TO MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATIONS AND ORDER STRIKING MOTION TO COMPEL [15-1], [13-1] (f9) [ENTRY DATE 02/07/97]

4 2/19/97 17 ORDER BY MAGISTRATE JUDGE BECK STRIKING MOTION FOR WRIT OF MANDATE/PROHIBITION BY PLA ARTEAGA [4-1] (cc: ALL COUNSEL)

5 3/6/97 18 NOTICE OF APPEAL BY PLAINTIFF FROM DISTRICT COURT DECISION (FEE STATUS IFP) (1m) [ENTRY DATE 03/10/97]

6 3/28/97 19 NOTICE OF APPEAL BY PLTF LORENZO ARTEAGA FROM DISTRICT COURT DECISION (FEE STATUS IN FORMA PAUPERIS) (h1) [ENTRY DATE 03/31/97]

7 3/28/97 20 MAILED CASE INFORMATION/DOCKET FEE PAYMENT NOTICE COPY OF NOTICE OF APPEAL TO 9TH CIRCUIT COURT OF APPEALS COPY OF APPEAL AND CERTIFIED COPY OF DOCKET SHEET TO ALL PARTIES (1m) [ENTRY DATE 04/07/97]

8 4/7/97 21 CERTIFICATE OF RECORD TRANSMITTED TO 9TH CIRCUIT [19-1] (notice sent)(am)

9 4/7/97 22 MAILED CASE INFORMATION/DOCKET FEE PAYMENT NOTICE COPY OF NOTICE OF APPEAL TO 9TH CIRCUIT COURT OF APPEALS COPY OF APPEAL AND CERTIFIED COPY OF DOCKET SHEET TO ALL PARTIES (1m)

10 4/7/97 23 CERTIFICATE OF RECORD TRANSMITTED TO 9TH CIRCUIT [18-1] (notice sent)(im)

11 5/1/97 24 ORDER BY JUDGE OLIVER W. WANGER ORDERING DISMISSING CASE (cc: ALL COUNSEL) (1m) [ENTRY DATE 05/06/97]

12 5/6/97 25 JUDGMENT ENTERED FINDINGS AND RECOMMENDATIONS ISSUED BY THE MAGISTRATE JUDGE ON 1/21/97, ARE HEREBY ADOPTED IN FULL AND IT IS ORDERED AND ADJUDGED THAT THIS ACTION IS DISMISSED WITHOUT PREJUDICE (cc: ALL COUNSEL) (1m)

13 5/9/97 26 PETITION FOR REHEARING, CLARIFICATION, JUDICIAL NOTICE BY PLAINTIFF LORENZO ARTEAGA (h1) [ENTRY DATE 05/12/97]

14 5/15/97 27 NOTICE OF APPEAL BY PLAINTIFF LORENZO ARTEAGA FROM DISTRICT COURT DECISION (FEE STATUS FP) (h1) [ENTRY DATE 05/16/97]

15 5/27/97 28 MAILED CASE INFORMATION/DOCKET FEE PAYMENT NOTICE COPY OF NOTICE OF APPEAL AND APPEALED 5/6/97 JUDGMENT TO 9TH CIRCUIT COURT OF APPEALS COPY OF APPEAL AND CERTIFIED COPY OF DOCKET SHEET TO ALL PARTIES (1m)

16 5/27/97 29 CERTIFICATE OF RECORD TRANSMITTED TO 9TH CIRCUIT [27-1] (notice sent)(1m)

17 7/28/97 30 MEMORANDUM, OPINION AND ORDER: BY JUDGE OLIVER W. WANGER PETITION FOR REHEARING [26-1] DENIED; JUDGMENT AS ENTERED ON 5/6/97 AFFIRMED (cc: ALL COUNSEL) (11) [ENTRY DATE 07/30/97]

1 9/2/97 31 NOTICE OF APPEAL BY PLAINTIFF FROM DISTRICT COURT DECISION (FEE STATUS IN FORMA PAUPERIS) (1m) [ENTRY DATE 09/03/97]

2 9/4/97 32 MAILED CASE INFORMATION/DOCKET FEE PAYMENT NOTICE COPY OF NOTICE OF APPEAL TO 9TH CIRCUIT COURT OF APPEALS COPY OF APPEAL FILED 7/28/87, (sic) AND CERTIFIED COPY OF DOCKET SHEET TO ALL PARTIES (1m)

3 9/4/97 33 CERTIFICATE OF RECORD TRANSMITTED TO 9TH CIRCUIT [31-1] (notice sent) (1m)

4

5

6

7 FROM SEPTEMBER 15, 1997 TO OCTOBER 31, 1997 I HAD TO USE PAPER BAGS TO WRITE TO THE SUPREME COURT OF THE UNITED STATES AND TO THE USCA9 AND OTHERS AS RESPONDENTS/DEFENDANTS CONTINUED AND CONTINUE TO DELIBERATELY OBSTRUCT AND VIOLATE UNITED STATES COURT ORDERS AND TO IMPEDE, HINDER, IMPAIR, THWART, OBSTRUCT, DELAY AND/OR PREJUDICE MY FEDERAL STATUTORY AND CONSTITUTIONAL AND CIVIL RIGHTS AS A CITIZEN OF THE UNITED STATES TO REASONABLE ACCESS TO THE COURTS, INCLUDING THIS PETITION AND PROCEEDING AND LEGAL REDRESS ON DIRECT APPEAL. CHAPMAN v. CALIFORNIA 17 LED 2d 705 (1967); ORNELAS v. U.S. 116 SCt 1657(1996) CONSTITUTIONAL HARMLESS ERROR ANALYSIS AND DE NOVO REVIEW ARE THE APPLICABLE STANDARDS OF REVIEW RESPONDENTS HAVE SO CONSPIRED TO EVADE AND CIRCUMVENT BY THEIR CONSPIRACY AND OVERT ACTS INITIALLY AND TIMELY DOCUMENTED IN USDC N CA NOS. C-90-20326-RFP (CHABEAS CORPUS) AND C-90-20257-RFP (420SC §1983) AND TIMELY DIVERSITY ACTIONS NOS. C-91-0583 RFP AND C-91-0594 RFP, BRIEFED IN OSCAS NOS. 97-16705, AND IN 95-15075, 95-15076, 95-15723, 95-15724, 95-15411: ALL SUBMITTED BRIEFS DISMISSED BY INTRINSIC AND EXTRINSIC FRAUD IN MARCH - JUNE 1995; AND NOW RESPONDENTS SEEM TO HAVE EFFECTED THE OBJECT OF THEIR LONG-STANDING CONTINUOUS COURSE AND CONDUCT CONSPIRACY BY FORCING ANOTHER SUBSTANTIVE AND PROCEDURAL DEFAULT TO MY BRIEF SUBMITTED OCTOBER 26, 1997 PURSUANT TO HOUSTON v. LACK (1989) U.S. AND F.R.A.P. R. 25(a)(2)(C).

8

REASONS FOR GRANTING THE PETITION

1 STATIONERY WAS ONLY ONCE REASONABLY PROVIDED: ON OCTOBER 31,
2 1997 RESPONDENTS FINALLY ALLOWED ME TO OBTAIN SOME OF MY OWN
3 STATIONERY BUT ONLY AFTER THEY KNEW ACTUAL PREJUDICE AND
4 CONSTITUTIONAL INJURY HAD ACCRUED TO U.S. SUPREME COURT DOCKET
5 NO. 96-9513 AND USCA9 NO. 97-16705, AND U.S. SUPREME COURT
6 APPLICATION NO. A-314 AND DEFAULT IN CALIFORNIA SUPREME COURT
7 NO. S059401, CALIFORNIA COURT OF APPEALS SIXTH APPELLATE
8 DISTRICT NO. H016397 AND SO EFFECTED THE OBJECT OF THEIR CON-
9 SPIRACY WHEN THESE DIRECT APPEALS AND USCA9 NOS. 96-16222, AND
10 96-16223; LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA
11 AND LORENZO ARTEAGA v. CALIFORNIA DEPARTMENT OF CORRECTIONS, et al.,
12 WERE SO VIOLENTLY AND FRAUDULENTLY BLOCKED AND DEFALTED.

13 DURING THIS ONE-TIME CENSORED ACCESS TO PARTIAL LEGAL RECORDS
14 I DISCOVERED THE FOLLOWING & USCA9 ORDER FILED JUNE 11, 1992, DOCKET
15 NO. 92-15341, D.C. # CV-91-2534-RFP NORTHERN CALIFORNIA NOT
16 EARLIER DELIVERED TO OR RECEIVED BY ME UNTIL OCTOBER 31, 1997 DUE
17 TO RESPONDENTS' DELIBERATE ON-GOING OBSTRUCTION, TO-WIT:

18 UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

19 FILED

20 LORENZO ARTEAGA,
PETITIONER-APPELLANT,

21 JUNE 11 1992
No. 92-15341 CATHY A. CATHERSON, CLERK
D. C. # CV-91-2534-RFP U.S. COURT OF APPEALS
NORTHERN CALIFORNIA

22 VS.
FRANK LESLIE HALL, DIRECTOR OF SANTA
CLARA COUNTY DEPT. OF CORRECTIONS,
RESPONDENT-APPELLEE.

23 ORDER

24 BEFORE: FLETCHER AND LEAVY, CIRCUIT JUDGES
APPELLANT'S MOTION FOR A STAY OF THE APPELLATE
PROCEEDING PENDING THE CALIFORNIA SUPREME COURT'S RESOLUTION
OF HIS PENDING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED.

25 APPELLANT'S MOTION FOR BAIL PENDING THE CALIFORNIA
SUPREME COURT'S RESOLUTION OF HIS PENDING PETITION FOR WRIT
OF HABEAS CORPUS IS DENIED.

26 APPELLANT'S OPENING BRIEF AND EXCERPTS OF RECORD ARE DUE
AUGUST 5, 1992; APPELLEE'S BRIEF IS DUE SEPTEMBER 4, 1992;
THE REPLY BRIEF, IF ANY, IS DUE SEPTEMBER 18, 1992.

27 CR CAL 6/10/92 SP-B

1 ON OR ABOUT JUNE 11, 1992 — THE DATE THE USCA9 ORDER IN HABEAS
2 CORPUS DOCKET NO. 92-15341, D.C. # CV-91-2534-RFP, RENUMBERED FROM
3 C-90-20326-RFP, WAS FILED — RESPONDENTS AND APPELLEE'S PETE WILSON
4 GOVERNOR OF CALIFORNIA, DANIEL E. LUNDREN, STATE ATTORNEY GENERAL,
5 AND THEIR ALTER EGO CALIFORNIA BOARD OF PRISON TERMS AND APPOINTEES
6 COMMISSIONER R. BEEKMAN, DEPUTY COMMISSIONER'S ERNIE CALDERON,
7 (916)322-6717, DOE VASQUEZ AND OTHER HIGH LEVEL CALIFORNIA
8 OFFICIALS DELIBERATELY CAUSED ME TO BE INJECTED WITH AN
9 OVERDOSE OF TUBERCULIN. THIS OVERT ACT WAS IN FURTHERANCE
10 OF THEIR PRIOR OVERT ACTS AND EXTENSION OF CONSPIRACY IN
11 HAVING SET ME UP IN THE HOLE AT SUSANVILLE STATE PRISON IN
12 NOVEMBER 1991 TO OBSTRUCT U.S. SUPREME COURT ORDERS IN A-594,
13 A-21, A-22, A-23, A-794, et al., AND SO HAVING MALICIOUSLY
14 HOUSED ME WITH A GUY WHO HAD TUBERCULOSIS FOR 3-4 MONTHS
15 UNTIL THEY AGAIN TRANSFERRED ME TO TEHACHAPI STATE PRISON ON
16 FEBRUARY 28, 1992 WHEN THE HONORABLE SANDRA DAY O'CONNOR
17 HAD GRANTED ME AN EXTENSION OF TIME TO FILE A PETITION FOR
18 WRIT OF CERTIORARI TO MARCH 10, 1992 WHICH WAS SO DELIBERATELY
19 OBSTRUCTED AND DEFALTED BY SUCH RECORDS' REMOVALS.

20 THE TUBERCULIN INJECTION WAS INTENDED TO EFFECT THE SAME
21 CONSPIRACY — SENDING ME TO BAKERSFIELD COUNTY HOSPITAL EMERGENCY
22 CARE FOR ALMOST A WEEK IN ORDER TO REMOVE ALL OF MY PENDING
23 LEGAL RECORDS AND USCA9 NO. 92-15341 ORDER TO DELIBERATELY
24 VIOLATE, IMPEDE, HINDER, DELAY OR OBSTRUCT SAID U.S. COURT ORDER BY
25 CONSPIRACY AND CONSPIRACY TO COMMIT MURDER AND OVERT ACTS IN
26 FURTHERANCE OF CONSPIRACY TO CAUSE GREAT BODILY INJURY, MAYHEM
27 OR DEATH TO DISTORT AND TO CORRUPT THE PROCESS OF LAW,
28 ON OR ABOUT JULY 11, 1992 RESPONDENTS PETE WILSON,

1 GOVERNOR OF CALIFORNIA, DANIEL E. LUNDREN, STATE ATTORNEY GENERAL, R. BEEKMAN,
2 ERNIE CALDERON, DOE VASQUEZ AND OTHER HIGH LEVEL PRISON OFFICIALS
3 OF THE LEGAL PROCESSING UNIT IN SACRAMENTO, CALIFORNIA PLACED
4 ONE OF THEIR VIOLENT PROGRAMMED INMATES IN MY CELL AT TEHACHAPI STATE
5 PRISON TO BEAT ME UP AND FABRICATE A "CELL FIGHT" TO AGAIN REMOVE
6 THE USCA9 NO. 92-15341 COURT ORDER AND FALSELY LOCK ME UP IN
7 THE HOLE TO HAVE SO THREATENED, INTIMIDATED, COERCED AND BY SUCH
8 OVERT ACTS OF EXTREME VIOLENCE AND UNNECESSARY EXCESSIVE
9 FORCE HAVE FORCED ME TO SIGN PAROLE PAPERS (AS I AM AGAIN
10 TODAY FRAUDULENTLY SET-UP IN THE HOLE AFTER BEING
11 BEAT UP WHILE I WAS HANDCUFFED AND LATER ACTS OF MAYHEM ON
12 8/18/97 - TO OBSTRUCT CASC No. S059401 PETITION FOR WRIT OF
13 CERTIORARI - RESPONDENTS' INMATE EMPLOYEE CAUSED ME 15 STITCHES
14 ON MY HEAD WHILE I WAS IN THE HOLE AT SALINAS VALLEY STATE
15 PRISON IN VIOLATION OF 18 USC § 5373, 241-242, 1509, 1512, 1513,
16 42 USC §§ 1986, 1985(2), 1985(3), 1983) TO HAVE REMOVED ALL OF MY
17 PENDING LEGAL RECORDS AND LOWER COURT ORDERS BY CONSPIRACY AND
18 OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO THREATEN AND INTIMIDATE
19 ME FOR PETITIONING THE COURTS OF THE UNITED STATES FOR LEGAL
20 REDRESS AS PROVIDED BY LAW IN EXTENSION OF RESPONDENTS'
21 CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW
22 UNDER COLOR OF AUTHORITY.

23 ON AUGUST 5, 1992 I SIGNED PAROLE PAPERS WITHOUT KNOWLEDGE
24 OF THE USCA9 NO. 92-15341 COURT ORDER AND UNDER DURESS FOLLOWING
25 AN UNCONSTITUTIONAL CALIFORNIA BOARD OF PRISON TERMS HEARING ORDERED
26 BY PETE WILSON, DANIEL E. LUNDREN, R. BEEKMAN, ERNIE CALDERON.
27 AND THEIR APPOINTED COMMISSIONER AND DEPUTY COMMISSIONERS CONVENED
28 WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION OR AUTHORITY

1 ON JULY 14, 1992 AT WHICH HEARING THE GOVERNOR ORDERED ME TO SIGN
2 PAROLE PAPERS. WHEN I REFUSED TO SIGN BECAUSE, AS I TOLD
3 COMMISSIONER R. BEEKMAN: I HAD ALREADY ON JUNE 12, 1992 —
4 THE DAY AFTER USCA9 NO. 92-15341 HABEAS CORPUS ORDER WAS FILED —
5 FULLY EXACTED, AND AT THE JULY 14, 1992 HEARING HAD OVER-EXACTED
6 MY COURT-ORDERED 2 YEAR, 4 MONTH PRISON SENTENCE AND WAS
7 BEING IMPRISONED WITHOUT ANY COURT ORDER OR LEGAL CAUSE OR
8 LEGAL PROCESS. NEVERTHELESS, THE GOVERNOR'S BPT, WHICH HAD NO
9 JURISDICTION, AS I WAS NOT AND AM NOT A LIFER AND HAD NO ADMINISTRATIVE
10 LAW ON THE MATTER PER RESPONDENT DANIEL LUNDREN'S LEGAL COUNSEL
11 OPINION ORDERED ME CONFINED IN STATE PRISON AT TEHACHAPI FOR
12 4 MORE YEARS, IN 6 MONTH INCREMENTS. AND TOLD ME THAT RESPONDENTS'
13 PETE WILSON AND DANIEL LUNDREN COULD AND WOULD CONTINUE TO KEEP
14 ME IN PRISON IN THE HOLE WITHOUT FAMILY VISITS, NO PHONE CALLS,
15 NO LAW LIBRARY, FOR 4 MORE YEARS WITHOUT ANY LEGAL COURT
16 ORDER OR JUDICIAL PROCESS.

17 THE WRITTEN RECORD OF THIS PROCEEDING WAS FILED IN CHADG
18 NO. H010082 (7-29-92), H010095 (8-6-92) AND H009739 AND THE SAME
19 COURT REFUSED TO TAKE JUDICIAL NOTICE OF SAID UNCONSTITUTIONAL PROCEEDING
20 ON DIRECT APPEAL NO. H012729 (5/24/96 ORDER) AND THE USCA9 ALSO
21 REFUSED TO TAKE JUDICIAL NOTICE AT FOOTNOTE 1 FILED 7/21/97 IN
22 USCA9 Nos. 96-16222 AND 96-16223 NOW AT ISSUE IN THIS HONORABLE
23 COURT IN APPLICATION NO. A-314 AND SEPARATELY SUBMITTED PETITION FOR
24 WRIT OF CERTIORARI: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR
25 OF CALIFORNIA AND LORENZO ARTEAGA v. CALIFORNIA DEPARTMENT
26 OF CORRECTIONS, et al. THE CDC CHRONOLOGICAL HISTORY
27 SHEET DATED 6-22-92 IS ATTACHED
28 ON AUGUST 6, 1992 I WAS SUPPOSEDLY PAROLED BUT IN CONSPIRACY

1 AND EXTENSION OF CONSPIRACY RESPONDENTS HAD THEIR CHAIN CONSPIRATOR REDWOOD
2 CITY/COUNTY SHERIFF AGENTS WAITING FOR ME IN THE R&R RECEIVING AND
3 RELEASE BUILDING FOR AN ALLEGED 3-YEAR OLD TRAFFIC TICKET MATTER
4 I HAD ALREADY ADJUDICATED PURSUANT TO CALIFORNIA PENAL CODE §1381.
5 THIS OVERT ACT WAS INTENDED TO ALLOW RESPONDENTS TO CONVERT MY
6 LEGAL RECORDS AND PENDING LOWER COURT ORDERS BY CONSPIRACY AND
7 FURTHERANCE OF CONSPIRACY TO VIOLATE MY STATUTORY AND CONSTITUTIONAL
8 RIGHT OF ACCESS TO THE COURTS AND TO DENY ME DUE PROCESS AND
9 EQUAL PROTECTION OF PROCEDURAL AND SUBSTANTIVE LAW AND TO DISTORT
10 AND TO CORRUPT THE PROCESS OF LAW UNDER COLOR OF AUTHORITY.

11 ON SEPTEMBER 4, 1992 I WAS ENROLLED AND ATTENDING CLASSES
12 FULL-TIME AT SAN JOSE STATE UNIVERSITY AND KNEW NOTHING OF
13 THE JUNE 11, 1992 USCA9 No. 92-15341 HABEAS COURT ORDER.

14 ON SEPTEMBER 18, 1992 MY PETITION FOR REVIEW IN MY DIRECT
15 APPEAL CAADG No. H007751, SUPERIOR COURT OF SANTA CLARA COUNTY
16 No. 138120 WAS FILED IN THE CALIFORNIA SUPREME COURT CRYPTICALLY
17 NUMBERED S028858: LORENZO ARTEAGA v. PETE WILSON, et al.,
18 CAADG Nos. H010082(7-29-92), H010095(8-6-92), H007751, H009739(-92)

19 THE DISMISSAL FOR FAILURE TO PROSECUTE USCA9 No. 92-15341 HABEAS
20 CORPUS PROCEEDING WAS NOT CAUSED BY ME BUT BY RESPONDENTS PETE
21 WILSON, DANIEL E. LUNDERSEN, et al.* IN CONSPIRACY AND IN FURTHERANCE OF
22 CONSPIRACY ALLEGED BY SHELDON PORTMAN, FORMER PUBLIC DEFENDER OF
23 SANTA CLARA COUNTY IN PORTMAN v. COUNTY OF SANTA CLARA 995 F_{2d} 898 (9th Cir. 1993).

24 BUT UNLIKE PORTMAN WHO THE NINTH CIRCUIT FOUND HAD NO STANDING
25 TO RAISE THE LEGAL ISSUES HE BROUGHT ON BEHALF OF HIS CLIENTS OR
26 FORMER CLIENTS, I AM RAISING THE EXACT SAME LEGAL ISSUES AND
27 I DO HAVE STANDING AND ARTICLE III JURISDICTION AS I AM RAISING
28 THESE SAME CLAIMS AND ISSUES AS A PRO SE DEFENDANT OUT OF SANTA CLARA

* AS THEY HAVE EXTENDED THEIR CONSPIRACY TO THE PRESENT TIME TO DEFAULT
AND IRREPARABLY PREJUDICE ALL OF MY PENDING LITIGATION ON DIRECT APPEAL
AND HABEAS CORPUS, INCLUDING U.S. No 96-9613, USCA9 No. 97-16705, et al.

1 COUNTY WHO WAS A FORMER CLIENT ON WHOSE BEHALF MR. PORTMAN
2 BROUGHT HIS FEDERAL CONSTITUTIONAL CLAIMS. MOREOVER, UNLIKE
3 PORTMAN v. COUNTY OF SANTA CLARA WHERE THE NINTH CIRCUIT
4 FOUND THAT HIS CLAIMS WERE NOT "RIPE FOR REVIEW" MY SAME
5 FEDERAL STATUTORY AND CONSTITUTIONAL CLAIMS ARE RIPE FOR REVIEW
6 AND THE NINTH CIRCUIT, TENTH CIRCUIT, THIRD CIRCUIT AND FIRST
7 CIRCUIT COURT OF APPEAL CONFLICTS LEFT UNRESOLVED SINCE 1993
8 SHOULD NOW BE RESOLVED ON DIRECT APPEAL IN THE INTERESTS OF JUSTICE.

9 ON DECEMBER 4, 1992 AFTER RESPONDENTS SANTA CLARA COUNTY,
10 et al., FORCED ME TO DEFAULT ON USCA9 HABEAS CORPUS PROCEEDING
11 No. 92-15341, D.C. # CV-91-2534-RFP BY CONSPIRACY AND OVERT
12 ACTS IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE
13 PROCESS OF LAW BY DELIBERATELY CONSPIRING WITH STATE OFFICIALS
14 AND FORMER STATE OFFICIALS TO WITHHOLD AND TO REMOVE ALL OF MY
15 PENDING LEGAL RECORDS (AS CONTINUES TO THE PRESENT TIME) AND TO
16 WITHHOLD MY LEGAL MAIL SINCE MY ALLEGED PAROLE RELEASE ON
17 AUGUST 6, 1992. RESPONDENTS EFFECTED THE OBJECT OF THEIR
18 CONSPIRACY BY RE-ARRESTING & ME WITHOUT JUST, OR LEGAL OR
19 PROBABLE CAUSE AND THEY REINSTATED A DEFUNCT STATUTORILY AND
20 CONSTITUTIONALLY TIME-BARRED RES JUDICATA CRIMINAL COMPLAINT
21 THEY HAD MALEICIOUSLY FILED WITHOUT REASONABLE OR PROBABLE
22 CAUSE ON APRIL 27, 1984. ORNELAS v. U.S. 116 S.Ct 1657 (1996)
23 CHAPMAN v. CALIFORNIA 171 Ed 2d 705 (1967). MILLER v. PHATE 171 Ed 2d 690
24 (1967). GARLOTTE v. FORDICE 115 S.Ct 1948 (1995). TOME v. U.S., 115 S.Ct
25 (1995). BRETZ v. KELMAN 773 F_{2d} 1026, 1035 (9th Cir. 1985) (en banc).
26 PORTMAN v. COUNTY OF SANTA CLARA 995 F_{2d} 898 (9th Cir. 1993). BOUIE v.
27 COLUMBIA 121 Ed 2d 894 (1964). KYLES v. WHITLEY 115 S.Ct 1555 (1995).
28 THE LEGAL RECORD HAS BEEN DISTORTED AND CORRUPTED SINCE .

CONCLUSION

FOR THE FOREGOING EXCEPTIONAL AND EXTRAORDINARY CIRCUMSTANCES
THE PETITION FOR WRIT OF CERTIORARI AND/OR HABEAS CORPUS SHOULD BE
GRANTED; GVR TO RELEASE AN INNOCENT PERSON FROM IMPRISONMENT
OBTAINED IN VIOLATION OF THE LAWS AND CONSTITUTION OF THE
UNITED STATES. ALTERNATIVELY, THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT HABEAS CORPUS PROCEEDING DOCKET
NUMBER 92-15341 MUST BE REINSTATED AND PETITIONER
RELEASED ON HIS OWN RECOGNIZANCE PENDING SUCH FURTHER
PROCEEDINGS AS THE COURT DEEMS JUST AND PROPER.

RESPECTFULLY SUBMITTED,

Lorenzo Arteaga
LORENZO ARTEAGA

DATE: DECEMBER 14, 1997

APPENDICES

CCT4B

Salisbury
Pete Wilson

DEPARTMENT OF CORRECTIONS

Legal Processing Unit
O. Box 942883
Sacramento, CA 94283-0001
(916) 324-0848

August 28, 1995

Honorable Gregory H. Ward
Judge of the Superior Court
County of Santa Clara
115 Terraine Street
San Jose, CA 95110

Re: Arteaga, Lorenzo
CDC No.: E66703
Case No.: 161396
Date of Sentence: March 24, 1994

Dear Judge Ward:

A review of the documents delivered with the above-named inmate indicates the Abstract of Judgment may be in error, or incomplete, for the following reasons:

The Abstract of Judgment reflects Count 7, PC288(a), with a one-third consecutive non-violent box checked. As this is a violent offense, pursuant to PC667.5(c), we have recorded this offense as one-third consecutive violent. If this is not the Court's intent, please advise this office.

Please review your file to determine if a correction is required.

Sincerely,

DELORIS PASCHAL
Correctional Case Records Manager

By: KAREN L. HUFFMAN
Correctional Case Records Specialist

Attachment

cc: District Attorney
Public Defender/Defense Counsel
Inmate
C-File

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

Case No. 161396 Case Name: People of the State of California vs
Date 3-24-94 Time 9:21AM LORENZO ARTEAGA

HONORABLE GREGORY H. WARD

Deputy Clerk KATHY BORGES

Court Reporter CINDY MOHR

Deputy Sheriff GENE BOWDEN

ALSO PRESENT: DIANA CUNNINGHAM, APO

RAY MENOZA PRO PER
Deputy District Attorney Counsel for Defendant

PROCEEDING: POST TRIAL MOTIONS AND FORMAL SENTENCING HEARING. CONTINUED FROM 3-23-94.

Police reports and probation report discussed/argued for therecord. The probation report date of offense dates are changed from "Between January 1, 1988 and December 31, 1989" TO "Between and during September 1988 and October 1988". For the record as of today the credit for time served is 476 + 238 = 4019 = 714 total days. Defendant files in open court the following: "Superior Court Findings and Orders (Melinca Stewart, Trial Court Judge, Trial Court conducted March 3, 6, 8 & 23, 1989". Defendant argues his various post trial motions (16).

Court rules as follows:

1. Petition for Rehearing filed 1-31-94 - DENIED.
2. Motion for Judgment of Acquittal after Verdict filed 2-23-94 - DENIED.
3. Pre-sentencing Notice of Non-Statutory Motion to Dismiss filed 3-3-94 - DENIED.
4. Pre-sentencing statement and notice of request to consider dismissal of charges filed 1-24-94 - DENIED.
5. Pre-sentencing notice of motion to renew motion to set aside Information filed 3-3-94 - DENIED.
6. Motion to discover agreement with prosecution witness filed 1-24-94 - DENIED.
7. Motion for Franks v. Delaware evidentiary hearing filed 3-4-94 - DENIED.
8. De novo pre-sentencing notice of motion and motion to suppress filed 3-10-94 - DENIED.
9. Motion for new trial filed 2-2-94 - DENIED.
10. Request for written statement of decision filed 1-24-94 - DENIED.
11. Motion to set bail filed 3-3-94 - DENIED.
12. Motion for release on own recognizance filed 3-23-94 - DENIED.
13. Motion for stay of execution of sentencing filed 1-19-94 - DENIED.
14. Motion to strike report of probation officer filed 2-2-94 - DENIED.
15. Motion to obtain, mark and introduce documentary, relevant prison records, parolee file etc., filed 2-2-94 - FILED.
16. Petition for Rehearing on orders denying meaningful access to the Court filed 3-23-94 - DENIED.

Defendant's oral motion for a stay of execution is denied. Defendant sentenced. Probation denied. For Ct. 1 8 years S/P (U) with CTS 476 + 238 = 714 total days. For counts 2 thru 6 8 years S/P each count C/C to Ct. 1. For Ct. 7 1/3 to mid term of 6 years = 2 years S/P consec. to Ct. 1. For counts 8 thru 11 8 years S/P each count C/C to Ct. 1. Total S/P = 10 years. RFS200, general restit. to Laura & Larell Arteaga. No visitation with Laura & Larell Arteaga pursuant to PCI2023.05. Fine waived pursuant to PG290-J. Parole/appell. advised.

CRIMINAL MINUTES

001978

001978

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

Case No. 161396 Case Name: People of the State of California vs
Date 3-16-94 Time 9:26AM LORENZO ARTEAGA
HONORABLE GREGORY H. WARD
Deputy Clerk KATHY BORGES
Court Reporter CINDY MOHR
Deputy Sheriff GENE BOWDEN
ADULT PROBATION OFFICER: MARVIN ZIETZKE
RAY MENDOZA PROPER
Deputy District Attorney Counsel for Defendant

PROCEEDING: FORMAL SENTENCING MOTION AND POST TRIAL MOTIONS.
Continued from 2-23-94.

Also present:

1. Gloria Curcio, Dept. of Corrections (San Francisco)
2. Agent McAuley, state parole, San Jose. He has brought defendant's parole file.
3. Raul Torralba, state parole, San Jose.
4. Kim Suttles, Dept. of Justice, Dep. Attorney General.

Gloria Curcio, custodian of records from Dept. of Correction, San Francisco, sworn and examined re: documents she has produced from central file of defendant.

Recess to allow DA and defendant time to review documents.
Court reconvenes. RE: subpoena to attorney general - court to examine documents in camera - deputy attorney general feels documents are not to be produced (even in cameras) pursuant to Code provisions. Court will give defendant time to respond to motion to quash by the attorney general.

Order: subpoena to attorney general is ordered quashed.
The information which is the subject of the subpoena could have been subpoenaed by defendant earlier. The subject matter relates to trial issues rather than post trial motions. Court feels it is being done now for purposes of delay by the defendant. Subpoena is hereby quashed. Kim Suttles is excused.

Defendant states for the record he has received copies from his central file at the Dept. of Corrections as he requested. Gloria Curcio is excused.

Witness, Rebecca Rojas, social worker for defendant's children from summer of 1989 to May 1990, is sworn and examined re: subpoena she received.

Witness, Raul Torralba, state parole officer, sworn and examined re: subpoena he received.

Witness, Maria Arteaga, mother of defendant, sworn and examined on behalf of defendant. Interpreter for witness is Sam Fabila.

Defendant has filed a motion to set bail in amount of \$1,000 (modified). Defendant argues motion. This motion will remain on calendar.

ORIGINAL

FILED

Mar 9 4 11 PM '94

COURT CLERK
SANTA CLARA CO.
3rd FLOOR

- 1 DANIEL E. LUNGMREN, Attorney General of the State of California
- 2 JOSE R. GUERRERO, Supervising Deputy Attorney General
- 3 KIM M. SETTLES, State Bar No. 116945 Deputy Attorney General
- 4 1101 Webster St., 12th Flr. Oakland, California 94612-3049
- 5 Telephone: (510) 286-4144
- 6 Attorneys for Department of Justice

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. LORENZO ARTEAGA, Defendant. No. 161396 NOTICE OF MOTION AND MOTION TO QUASH SUBPOENA Date: March 16, 1994 Time: 9:00 a.m. Dept: 47

NOTICE IS HEREBY GIVEN that on March 16, 1994, at 9:00 a.m., or as soon thereafter as the matter can be heard, in the courtroom of Superior Court of Santa Clara County, San Jose, California, the Department of Justice will move to quash the subpoena duces tecum heretofore issued and purportedly requiring child abuse report records and will move for an oral order shortening the time in which said motion to quash may be heard. Said motion for an order shortening time will be made on the ground that the date of subpoena service allowed insufficient time to give the notice otherwise required by law.

CRIMINAL MINUTES

001957

1.

E 001924

D

FILED

1 Said motion to quash will be made on the ground that
2 the Department of Justice Child Abuse Report Index is not subject
3 to subpoena in this case because:

4 1. The California Department of Justice is not
5 required to furnish information contained in its child abuse
6 files.

7 This motion will be based on this notice, the
8 Memorandum of Points and Authorities served and filed herewith,
9 the pleadings, records, and files in the above-entitled action,
10 and such oral and documentary evidence as may be presented at the
11 hearing in this motion.

12 Dated: March 9, 1994

13 DANIEL E. LUNIGREN, Attorney General
of the State of California
14 JOSE R. GUERRERO, Supervising
Deputy Attorney General

15 *Kim M. Suttles*
16 KIM M. SUTTLES
17 Deputy Attorney General
18 Attorneys for Department of Justice

19
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27

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 I

3 Mar 9 4:11 PM '94

4 DEFENDANT IS NOT ENTITLED TO INFORMATION IN
5 THE CHILD ABUSE FILES OF THE CALIFORNIA
6 DEPARTMENT OF JUSTICE MAINTAINED PURSUANT TO
7 PENAL CODE SECTION 11170

8 The Child Abuse Reporting Law is contained in section
9 11165 through 11174 of the Penal Code. Child abuse includes "a
10 physical injury which is inflicted by other than accidental
11 means" on a child under the age of 18 by another person. This
12 type of child abuse may take the forms of sexual assault,
13 neglect, willful cruelty or unjustifiable punishment, corporal
14 punishment or injury, or abuse in out-of-home care. (Penal Code,
15 §§ 11165(b) - (f).) Certain persons are required to report child
16 abuse if, in their professional capacities or within the scope of
17 their employment, they have knowledge of or observe a child who
18 they know or have reason to suspect has been a victim of such
19 abuse. (Penal Code, § 11166(a).) These persons belong to
20 defined categories, specifically, child care custodians, medical
21 practitioners, nonmedical practitioners and child protective
22 agency employees. (Penal Code, §§ 11165(h) - (k).) Any such
23 person who fails to report an instance of child abuse which he or
24 she knows to exist, or reasonably should know to exist, is guilty
25 of a misdemeanor. (Penal Code, § 11172(b).)

26 All persons making reports are protected from civil or
27 criminal liability. (Penal Code, § 11172(a).) The identities of
persons who report are confidential. (Penal Code, § 11157(c).)

2 7 001925

3.

1926

1 The written reports required by Penal Code sections
2 11166(a) and 11166(f) must be submitted on forms adopted by the
3 Department of Justice and distributed by child protective
4 agencies. (Penal Code, § 11168.) A child protective agency must
5 forward to the Department of Justice a "preliminary report" in
6 writing of every case of known or suspected child abuse which it
7 investigates, other than the "general neglect" cases. (Penal
8 Code, § 11169.) The Department of Justice shall maintain an
9 index of all preliminary reports of child abuse submitted
10 pursuant to section 11169. (Penal Code, § 11170.)

11 The Child Abuse Reporting Law, in Penal Code section
12 11170 requires the Dept. of Justice to furnish relevant
13 information from its child abuse files to a child protective
14 agency submitting a report or to a district attorney. These are
15 the only agencies having rights of access to this information.
16 65 Ops. Atty.Gen. 335, 6-1-82.

17 Furthermore, the compilation of child abuse preliminary
18 reports represents an incursion into the privacy of a child and
19 those responsible for the child. They may also invade the
20 privacy of those compelled to make reports. Nevertheless, the
21 information is collected and used to assure the protection of
22 children within the justice system. (See, *Central Valley Chap.*
23 *7th Step Foundation v. Younger* (1979) 95 Cal.App. 3d 212, 236.)
24 Any incursion is justified by the state's compelling interest in
25 the child's welfare and safety. (Welfare and Institutions Code,
26 §§ 10101(c), 16506, 18275, 18290, and 18950.)

27

L 001927

4.

CONCLUSION

1 The California Department of Justice must provide
2 information in its child abuse files to a child protective agency
3 submitting a report, or to a district attorney who has requested
4 notification of a suspected child abuse case. The Department is
5 not obligated to furnish this information to other persons or
6 agencies.

7 Dated: March 9, 1994

8 DANIEL E. LUNGMREN, Attorney General
9 of the State of California
10 JOSÉ R. GUERRERO, Supervising
11 Deputy Attorney General

12 KIM M. Judd
13 KIM M. SETTLES
14 Deputy Attorney General
15 Attorneys for Department of Justice

E 001928

5.

1 JUNE 4 1993 PEOPLE OF THE STATE OF CALIFORNIA 161396
2 Date Plaintiff Case Number

-vs-

3 LORENZO ARTEAGA
4 Defendant

2
Page

DECLARATION OF SERVICE

FILED
Mar 9 4 11 PM '94
No.: 161396

Case Name: PEOPLE v. LORENZO ARTEAGA

I declare:

I am employed in the County of Alameda, California. I am 18 years of age or older and not a party to the within entitled cause; my business address is 2101 Webster Street, 12th Floor, Oakland, California 94612.

On March 9, 1994, I served the attached

NOTICE OF MOTION AND MOTION TO QUASH SUBPOENA

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California, addressed as follows:

Lorenzo Arteaga
150 West Hedding Street
San Jose, CA 95110

I declare under penalty of perjury the foregoing is true and correct and that this declaration was executed on March 9, 1994 at Oakland, California.

D. COLLIER

D. Collier
Signature

1928A

5 The Court notes that items 7, 8, 9, 10, 11, 12 and 13 are not timely filed.
6

7 The Deputy District Attorney Does Not Object. The Court allows the defense
8 argument on these issues.

9 Upon completion of argument, the Court rules on the motions.

10 Item 2 is denied without prejudice, matter is to be heard as a P.C. 402 Hearing
11 by the trial department. Witnesses are released.

12 Item 1, Motions To Return Legal Documents, is denied.

13 Item 2, Evidentiary Hearing, is denied without prejudice.

14 Item 3, is denied.

15 Item 4, Discovery is granted as requested. Any other discovery is denied.

16 Item 5, Transcripts, is denied.

17 Item 6, Jeopardy has been denied previously and by this court this day.

18 Item 7, material witness, is denied.

19 Item 8, Rehearing, is denied.

20 Item 9, Judicial Notice, is denied without prejudice, to be heard by the trial department.

21 Item 10, Motion to Dismiss Re: Material Witness, is denied.

22 Item 11, P.C. 995, Legal Commitment, is denied.

23 Item 12, P.C. 1387, is denied, having been previously denied.

24 Item 13, Motion to dismiss, is denied, having been previously denied.

25 Motion Re: Contempt Re: legal papers is found to be not properly serviced and is
ordered off calendar. The court allows the refiling of this motion only.

26 The Court notes all Pre-Trial Motions have been heard. Further motions will be
denied hearing.

27 The Court notes that the proper forum for further hearing on these issues is
the Sixth District Appellate Court.

This Hearing is adjourned.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga
E-66703, A3-206L
P.O. Box 1030
Soledad, CA 93960

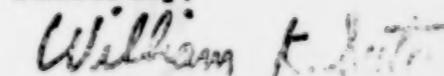
Re: Lorenzo Arteaga
v. Santa Clara Department of Family and
Children's Services
No. 96-9196

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga
E-66703, A3-206L
P.O. Box 1030
Soledad, CA 93960

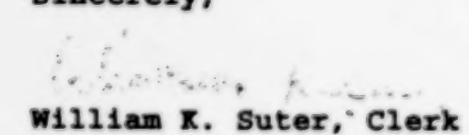
Re: Lorenzo Arteaga
v. California
No. 96-9328

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,


William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga
E-66703, A3-206L
P.O. Box 1030
Soledad, CA 93960

Re: Lorenzo Arteaga
v. California
No. 96-9329

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga
E-66703, A3-206L
P.O. Box 1030
Soledad, CA 93960

Re: Lorenzo Arteaga
v. California
No. 96-9309

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

June 16, 1997

Mr. Lorenzo Arteaga
E-66703
P.O. Box 1050
Soledad, CA 93960

Re: Lorenzo Arteaga
v. United States Court of Appeals for the Ninth
Circuit
No. 96-8700

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

May 12, 1997

Mr. Lorenzo Arteaga
E66703, A3-206L
P.O. Box 1050
Soledad, CA 93960

Re: Lorenzo Arteaga
v. Don Kill, Warden
No. 96-8141

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

October 20, 1997

Mr. Lorenzo Arteaga
E-66703
P.O. Box 1030
Soledad, CA 93960

Re: Lorenzo Arteaga
v. United States Court of Appeals for the Ninth
Circuit
No. 97-5677

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga
E-66703
P.O. Box 1030
Soledad, CA 93960

Re: Lorenzo Arteaga
v. United States Court of Appeals for the Ninth
Circuit
No. 96-9113

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter
William K. Suter, Clerk

1 LORENZO ARTEAGA
2 E66703; PO BOX 1050
3 Soledad, CA 93960

4 Pro se: Title 28 USCS section 1654, 1st,4th,5th,6th,8th,9th,13th,
5 and 14th Amendments, United States Constitution, et al.

6
7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
8
9 IN AND FOR THE COUNTY OF SANTA CLARA

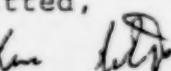
10 In behalf of:
11 LARELLE MICHELLE ARTEAGA) Petition:
12 Birthdate May 4, 1980) J098982
13) J099981
14) NOTICE OF APPEAL OF ORDER
15) FILED SEPTEMBER 6, 1996

16 NOTICE IS HEREBY GIVEN that father, LORENZO ARTEAGA, hereby
17 appeals from the order filed September 6, 1996 in the above-entitled
18 action(s) to the Court of Appeal for the State of California,
19 Sixth Appellate District and from all orders/judgments therein
20 entered affecting his or his child(ren)s substantial civil,
21 statutory or constitutional rights; the notices of appeal filed
22 in December 1988 and subsequent thereto, docketed as H005398, H006074,
23 H005398, in the Sixth Appellate District Court of Appeal are hereby
24 incorporated and referenced in full for all purposes and in support
25 of the fact that California Penal Code 1202.025 specifically cited.
26 in said order is a non-existent statute, and moreover, even if it
27 were existent, it was non-extant at the time of the commencement of
28 these proceedings in violation of Article I, section 10, United
States Constitution and violation of Article I, section 9, California
Constitution, ex post facto and inapplicable to the parent herein.

1 Additionally, appellant parent, LORENZO ARTEAGA, appeals from
2 said order on the grounds that one RONALD T.LISK has heretofore
3 been previously recused from hearing on matters relating to
4 parent LORENZO ARTEAGA in re derivative/related docket number
5 161396, as evidenced by the attached Exhibit marked "Court's
6 Exhibit No. I, Exh. # 161396, admitted February 26, 1993 at
7 Clerk's transcript page 277, and CT 278, incorporated herein in
8 full as evidence that said RONALD T. LISK had or has no authority
9 to render the order herein appealed; alternatively, that said
10 order must be reversed, vacated, stricken and the matter voided
11 and nullified as baseless in whole or in part.

12 And appeals from the whole thereof.

13 Respectfully submitted,
14 Dated: September 18, 1996.


LORENZO ARTEAGA
Father, Pro se

LORENZO ARTEAGA
No. 9252622
150 West Hedding Street
San Jose, CA 95110

In Propria Persona: Attorney of Record for Defendant

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA CLARA

THE PEOPLE,) CASE NO. 161396
Plaintiff,) MOTION TO RECUSE AND
vs.) AFFIDAVIT PURSUANT TO
LORENZO ARTEAGA,) CCP SECTION 170.1
Defendant.)

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) ss.
CHALLENGE FOR CAUSE

LORENZO ARTEAGA, being duly sworn, deposes and says:

That I am the attorney of record for defendant proceeding in propria persona and pro se pursuant to Title 28 U.S.C.A. section 1654 and pursuant to orders of the municipal and superior courts of Santa Clara County.

That RONALD L. LISK, the judge, court commissioner, or referee before whom the trial of the aforesaid action is pending or to whom the same is now assigned in the law and motion department of said court, is prejudiced against the defendant individually, and against defendant as his own attorney pro se/pro per or the interest of the defendant or his self as attorney pro se/pro per so that affiant cannot or believes that he cannot have a fair and impartial trial or hearing before the judge, court commissioner, or referee. The transcript record of the proceedings conducted on January 15, 1993, contain additional facts and evidence in support of this [REDACTED] challenge and in support of a challenge for cause, pursuant to CCP section 170.1, et seq. The same record of proceedings is hereby incorporated by reference as if fully set forth at length for all appellate purposes. LORENZO ARTEAGA: *Lorenzo Arteaga*

FEBRUARY SUBSCRIBED AND SWORN to before me this 26th day of
[REDACTED], 1993.

(Clerk or notary public or other officer administering oath)

000278

Court's Exhibit
No. I Exh # 161396

Identification Admitted

PEOPLE vs Arteaga

Date 2/24/93 Clerk L. Lisk

000277

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

WILLIAM K. SUTER
CLERK OF THE COURT

August 14, 1997

AREA CODE 202
479-3011

Lorenzo Arteaga
E-66703, A3-2061
P.O. Box 1030
Soledad, CA 93960

RE: Arteaga v. Superior Court of Santa Clara
County, California

Dear Mr. Arteaga:

The above-entitled petition for writ of certiorari was postmarked July 16, 1997 and received July 21, 1997. The papers are returned for the following reason(s):

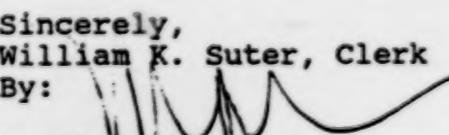
The appendix to the petition does not contain the following documents required by Rule 14.1(i):

The lower court opinion(s) must be appended from the Sixth Appellate District in case No. H016397.

Please correct and resubmit as soon as possible. Unless the petition is received by this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

Handwritten copies of orders cannot be accepted.

Sincerely,
William K. Suter, Clerk
By:

M. Blalock
(202) 479-3023

Enclosures

cc: Daniel E. Lungren

11

1 the children, and would they please go arrest him because I
2 knew he had a warrant.
3 Q Okay. So, while your grandmother spoke to the children,
4 you then used another phone to call the San Antonio Police
5 Department?
6 A Yes.
7 Q Okay. And were the children picked up, to your
8 knowledge?
9 A Yes, they were.
10 Q Okay. And was Mr. Arteaga arrested?
11 A Yes, he was.
12 Q Okay. When did you next see the children?
13 A That evening. I flew down to San Antonio and picked
14 them up from the children's shelter.
15 Q Okay. And did you return with the children to
16 California?
17 A Yes. We caught a Greyhound Bus back.
18 Q Okay. Now, in between the period of April 8th, 1984 and
19 May 1st, 1984, had you had any contact from Mr. Arteaga?
20 A No.
21 Q Okay. Did he attempt to call you and tell you where the
22 children were?
23 A No.
24 Q Okay. Did you give him permission on April 8th or any
25 time before that, of 1984, did you give him permission to
26 remove the children from the County of Santa Clara or the
27 State of California?
28 A No.

-116-

000677

1 Q And more specifically, did you give him permission to
 2 take the children to San Antonio, Texas?

3 A No.

4 Q And had there been any court order, to your knowledge,
 5 which altered in any fashion the custody situation as it
 6 existed spelled out in the order that's been marked as
 7 People's 1 for identification?

8 A No.

9 MR. COLE: I have no other questions at this point
 10 of the witness and just would like to indicate for the
 11 record, the order that we are speaking of is an order from
 12 the Superior Court of California, County of Santa Clara, with
 13 a Case Number 505627. It is an order prohibiting domestic
 14 violence and signed by the Honorable Leonard Edwards, April
 15 17th, 1984.

16 But it refers back to a hearing, as indicated in the
 17 document itself, a hearing from August 31st, 1982 before the
 18 Honorable Reed Ambler.

19 THE COURT: Do you wish to just move that into
 20 evidence?

21 MR. COLE: Yes.

22 THE COURT: Any objection other than --

23 THE DEFENDANT: I don't object, Your Honor. No
 24 objection.

25 THE COURT: It's admitted.

26 (Whereupon, People's Exhibit Number 1 was
 27 admitted into evidence.)

28 MR. COLE: Just for the record at this point, Your

1 Honor, and I don't know whether this will be the appropriate
 2 time, we would like to indicate for the purposes of the
 3 Statute of Limitation under Section 803 of the Penal Code
 4 Section D, that for the purposes, though the Defendant was
 5 arrested back in 1983 -- 1984, that he voluntarily absented
 6 himself from the State of California, and therefore, for the
 7 purposes of the Statute of Limitations, he was not available
 8 for purposes of prosecution, even though we attempted to
 9 extradite him from the State of Texas.

10 It's my understanding that he's also in custody -- and I
 11 don't know whether your file indicates that -- he is also in
 12 custody for two warrants from Santa Clara County also dating
 13 from 1984, having to do with 242 of the Penal Code, for which
 14 there were bench warrants issued for his failure to appear.

15 And when he was arrested on our charge recently, he was
 16 also reincarcerated on those charges.

17 THE COURT: All right.

18 THE DEFENDANT: I would like to correct the record
 19 first.

20 THE COURT: All right.

21 THE DEFENDANT: First of all, Your Honor, the
 22 Defendant did not voluntarily, willfully leave the county
 23 here.

24 Secondly, the District Attorney's department -- District
 25 Attorney is not up to date on the record. The alleged
 26 misdemeanor allegations which were simultaneously filed with
 27 the current case at bar reflected a purported resisting
 28 arrest that went back to 1983, which was formerly

1 A NO.
2 Q OKAY. NOW, DID YOU HAVE ANY IDEA WHERE THE CHILDREN
3 WERE TAKNE?

4 A AT FIRST I DIDN'T. I FOUND OUT LATER -- IT TOOK ME
5 ABOUT A MONTH TO FIND THEM AND THEY WERE FOUND IN SAN
6 ANTONIO, TEXAS.

7 Q OK. WE'LL GET TO THAT IN A SECOND.
8 DID YOU REPORT THIS MATTER TO THE POLICE?

9 A YES. I DID.
10 Q WAS THIS ON OR ABOUT, I BELIEVE, APRIL 15TH, 1984?

11 A YES, YES.
12 Q OK. AND DID YOU COME TO THE DISTRICT ATTORNEY'S
13 OFFICE FOR ASSISTANCE AFTER REPORTING THE MATTER TO THE
14 POLICE?

15 A YES. I DID.
16 Q OKAY. WAS THAT ON OR ABOUT APRIL 24TH, 1984?

17 A YES.
18 Q OKAY. AND DID YOU HAPPEN TO SEE MR. KLIS, WHO IS SEATED
19 TO MY RIGHT, TO YOUR LEFT, CONCERNING THE MATTER?

20 A YES. I DID.
21 Q OKAY. NOW, ON OR ABOUT MAY 1ST, 1984, DID YOU HAVE
22 CONTACT WITH MR. ARTEAGA?

23 A BEFORE THAT DATE?
24 Q NO, ON THAT DATE.

25 A ON MAY 3RD YOU SAID?
26 Q YES.

27 A YES. I DID. I CALLED HIM AT HIS HOME. I GUESS IT WAS
28 HIS HOME, AND --

1 Q: WHERE WAS THAT CALL MADE TO?
2 A: IN SAN ANTONIO, TEXAS.
3 Q DID YOU SPEAK TO HIM PERSONALLY?
4 A YES. I DID.
5 THE COURT: WHEN WAS THIS, AGAIN, PLEASE?
6 MR. COLE: MAY 1ST, 1984, YOUR HONOR.
7 THE COURT: ALL RIGHT.
8 Q (BY MR. COLE) AND YOU MADE PHONE CONTACT WITH HIM AND
9 SPOKE TO HIM?

10 A YES.
11 Q OKAY. DID YOU ALSO SPEAK TO YOUR CHILDREN?
12 A YES.
13 Q OKAY. AND I TAKE IT SINCE YOU SPOKE TO THE CHILDREN
14 ALSO, THEY WERE PRESENT THERE WITH HIM IN SAN ANTONIO?
15 A YES. THAT'S WHY I ASKED TO SPEAK TO THEM TO MAKE SURE
16 THEY WERE THERE.

17 Q DID ANYONE ELSE SPEAK TO THE CHILDREN ON THAT DATE?
18 A YES.

19 Q WHO WAS THAT?
20 A MY GRANDMOTHER.
21 Q OKAY. AND WHAT'S HER NAME?

22 A HELENA HESS.
23 Q COULD YOU SPELL THAT?

24 A H-e-s=s.
25 Q AND WHILE YOUR GRANDMOTHER SPOKE TO THE CHILDREN, WHAT
26 DID YOU DO?
27 A I WENT DOWNSTAIRS AND CALLED THE SAN ANTONIO POLICE
28 DEPARTMENT AND TOLD THEM THAT I KNEW THAT HE WAS THERE WITH

MUNICIPAL COURT OF CALIFORNIA
SANTA CLARA COUNTY JUDICIAL DISTRICT
SAN JOSE FACILITY

AMENDED COMPLAINT
To CORRECT NAME
JK

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

LORENZO ARTEAGA (1/23/54)
915 South Nevces, San Antonio TX

Defendant(s).

I, the undersigned, hereby certify, on or on Information and belief
declare:

1000

That in the County of Santa Clara, State of California, on or about the 8th day of April, 1984, a FELONY/MURDER/DEATH
INFRACITION, to wit: a violation of CALIFORNIA
PENAL CODE SECTION 278 (CHILD STEALING)

was committed by the above-named defendant(s), as follows, to wit:
The said defendant(s) not having a right of custody, did maliciously take, entice away, detain and conceal a minor child, to wit:
LAURA ARTEAGA, of the age of 3 years, AND LAVELLE ARTEAGE of the age of 2 years, with intent to detain and conceal such child from a person having lawful charge of such child, to wit: HELEN WILLMAN.

F I L E D
CPC 278
APR 30 1984

Complaint
CITY OF SANTA CLARA
SANTA CLARA CO. CALIF.
Deputy

Warrant received for service by:

on 4/30/84
Cash or Bnd \$ 25.00

JUDGE OF THE MUNICIPAL COURT
Kevin J. Murphy

Joe Klis

JOE KLIS
DAO 29907412
PCC/D124/D/jjg

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

Against

LORENZO ARTEAGA

November 22, 1988 NOV 22 1988

GRAC
County of Santa Clara
at

DEPUTY

CEN 8820861

Defendant(s).

/ INFORMATION NO. 125303

COUNT ONE

The District Attorney of the County of Santa Clara, State of California, hereby accuses LORENZO ARTEAGA of a FELONY, to wit: a violation of CALIFORNIA PENAL CODE SECTION 278 (CHILD STEALING), in that on or about the 8th day of April, 1984, in the County of Santa Clara, State of California, the said defendant(s) not having a right of custody, did maliciously take, detain, conceal and entice away, a minor child, to wit: LAURA ARTEAGA, of the age of 3 YEARS, and LAVELLE ARTEAGE of the age of 2 YEARS, with intent to detain and conceal that child from a person having lawful charge of such child, to wit: HELEN WILLMAN.

LEO HIMMELSDACH
District Attorney

By FAUL C. COLE/D124
Deputy District Attorney

27916

gg SJ/DAO C8447195

51j (16)

Complainant therefore prays that the said defendant(s) may be dealt with according to law.
I certify under penalty of perjury that the foregoing is true and correct. Executed on April 30, 1984 at San Jose, California.

FILMED

FILED

FILED
JUL 24 1990

GRACE K. YAMAMOTO
County Clerk
Santa Clara County
BY _____ DEPUTY

COUNT THREE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff,
against
LORENZO ARTEAGA,
Defendant.

INFORMATION
No. 120692
138/20

We, the Jury in the above titled case, find the Defendant,
LORENZO ARTEAGA, Guilty _____ of attempted child
stealing, a felony violation of Penal Code Section 664-278, on or
about and between the March 6, 1990 and April 14, 1990.

COUNT FOUR

We, the Jury in the above titled case, find the Defendant,
LORENZO ARTEAGA, Guilty _____ of violation of child
custody order, a felony violation of Penal Code Section 278.5, on
or about and between the March 6, 1990 and April 14, 1990.

COUNT FIVE

We, the Jury in the above titled case, find the Defendant,
LORENZO ARTEAGA, Guilty _____ of attempted violation of
child custody order, a felony violation of Penal Code Section
664-278.5, on or about and between the March 6, 1990 and April
14, 1990.

Dated: July 24, 1990


Judge J. Baines
PINEPERSON

- 2 -

SIXTH DISTRICT APPELLATE PROGRAM

A Non-Profit Corporation

100 N. Winchester Blvd., Suite 310
Santa Clara, CA 95050

(408) 241-6171 - Main
(408) 241-2877 - Fax

Executive Director
Michael A. Kresser

Law Office Manager
Yolanda G. Edwards

August 20, 1996

Lorenzo Arteaga
E-66703
P. O. Box 1050
Soledad, CA 93960

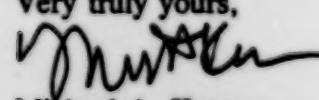
Dear Mr. Arteaga:

I am responding to your letter dated August 12, which I received August 15.

I enclose transcripts from the July 28, 1993 and August 4, 1993 hearings, as you requested.

The record was not augmented to include any post judgment motions or rulings in 1994 and 1995. Such motions or rulings are generally not cognizable in the appeal from the judgment, but must be separately appealed. It is unlikely the Court of Appeal would augment to include post judgment motions and rulings, absent a showing of how it might affect the appeal from the judgment. Of course, you may move the court to augment, and see what they do.

You also ask why I did not inform you of an ex parte order obtained by the District Attorney on July 5, 1990 to inspect the juvenile court dependency records concerning Laura and Larelle. The answer is because I was unaware of such order. An ex parte order is one in which the other parties are not noticed. I was never served with any notice, and was unaware the order was obtained.

Very truly yours,

Michael A. Kresser
Executive Director

MAK:sy

Enclosure

Senior Staff Attorneys
Deanna F. Lamb
Dallas Sacher

Staff Attorneys
Shoko Tanida Michael
Joshua Weinstein
Lori A. Quick

Sixth Appellate District No. H005398
S020235

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

In Re LARELLE A., A Person Coming Under the Juvenile Court Law
PEDRO SILVA, As Chief Probation Officer, Etc., Respondent

SUPREME COURT
FILED

AUG 12 1992

Robert Wandruff Clerk

DEPUTY

Appellant's petition for review DENIED.

LUCAS
Chief Justice

W

PROOF OF SERVICE BY MAIL
(C.C.P. 1013(a), 2015.5)

NAME OF CASE OR CAUSE LORENZO ARTEAGA v. USCA9
NUMBER OF CASE 97-6749

I, Lorenzo Arteaga am a resident of the State of California, County of KING. I am over the age of 18 years and am a party, ^{per SE} to the herein entitled action. My address is as follows:
E-66703, 4001 KING AVENUE, CORCORAN, CA 93212

On the date of 12-14-97, I caused to be served the foregoing document(s) REPLY BRIEF.

on the parties listed below by placing a true copy thereof, enclosed in a sealed envelope with postage thereof fully prepaid, in the custody and control of a CDC correctional Officer* designated to collect mail for deposit with the United States Mail at

addressed as follows:

(1) SETH P. WAXMAN
SOLICITOR GENERAL OF THE U.S.
ROOM 5614, 14th FLOOR
950 PENNSYLVANIA AVE. N. W.
WASHINGTON, D C 20530-0001

(3) DANIEL E. LUNDERUD

(2) PETE WILSON

(4)

There is regular delivery service by the U.S. Postal Service between the place of mailing and the places so addressed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 14th day of DECEMBER, 19 97, at KING COUNTY
CALIFORNIA

* The signature of CDC Correctional Officer is affixed to the rear of the envelopes with date and time of collection.

Signature X Atty
CDC # _____
Housing _____

Per Curiam

SUPREME COURT OF THE UNITED STATES

**LORENZO ARTEAGA v. UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT**

**LORENZO ARTEAGA, PETITIONER v. PETE WILSON,
GOVERNOR OF CALIFORNIA, ET AL**

ON MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

No. 97-6749. Decided February 23, 1998

PER CURIAM.

Pro se petitioner Lorenzo Arteaga seeks leave to proceed *in forma pauperis* to file a petition for a writ of certiorari to the Ninth Circuit. The Ninth Circuit affirmed the District Court's dismissal with prejudice of petitioner's complaint for failure to amend his complaints pursuant to the District Court's instructions.

We deny petitioner leave to proceed *in forma pauperis*. He is allowed until March 16, 1998, within which to pay the docketing fee required by Rule 38 and to submit his petition in compliance with Rule 33.1. For the reasons discussed below, we also direct the Clerk of the Court not to accept any further petitions for certiorari in noncriminal matters from petitioner unless he first pays the docketing fee required by Rule 38 and submits his petition in compliance with Rule 33.1.

Petitioner has filed 20 petitions with this Court, 16 in the past two Terms. All have been denied without recorded dissent. In 1997, we invoked Rule 39.8 to deny petitioner *in forma pauperis* status. *Arteaga v. California*, 522 U. S. __ (1997). Petitioner nevertheless has filed another frivolous petition with this Court. In his petition and supplemental petition, Arteaga appears to assert that he is an innocent person falsely imprisoned and to allege numerous constitutional violations and conspiracies among prison, court, and government officials. He does

2 ARTEAGA v. UNITED STATES COURT OF APPEALS
FOR NINTH CIRCUIT
STEVENS, J., dissenting

not address the reasons for the District Court's dismissal.

Accordingly, we enter this order barring prospective *in forma pauperis* filings by petitioner in noncriminal cases for the reasons discussed in *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992).

It is so ordered.

JUSTICE STEVENS, dissenting.

For reasons previously stated, see *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1, 4 (1992), and cases cited, I respectfully dissent.